



Senate Committee On
EDUCATION

Lee Constantine, Chair
Larcenia J. Bullard, Vice Chair

Meeting Packet

Tuesday, April 20, 2004

1:15 p.m. – 3:15 p.m.

412 Knott Building

***(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)***

E X P A N D E D A G E N D A

COMMITTEE ON EDUCATION

Senator Constantine, CHAIR
Senator Bullard, VICE-CHAIR

DATE: Tuesday, April 20, 2004

TIME: 1:15 p.m. -- 3:15 p.m.

PLACE: The Pat Thomas Committee Room, 412 Knott Building

(MEMBERS: Senators Aronberg, Carlton, Clary, Cowin, Klein, Pruitt, Sebesta, Wasserman Schultz, Wilson and Wise)

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 3000 Diaz de la Portilla (Similar H 1627, Compare H 1913)	Charter Schools ED 04/13/04 Not considered ED 04/20/04 AED AP	
2	SB 0426 Geller et al (Similar H 0081)	Public School Student Progression ED 04/13/04 Not considered ED 04/20/04 CJ AED AP	
3	SB 1452 Bennett (Similar H 0769)	Career & Technical Education ED 04/20/04 GO AED AP	
4	SB 1544 Haridopolos (Similar 1ST ENG/H 0549)	K-12 GI Bill Program ED 04/13/04 Temporarily postponed ED 04/20/04 MS AED AP	
5	SB 1578 Dawson (Similar H 1275, Compare H 1203)	Schools/Students/Prescriptions ED 04/20/04 HC	
6	SB 1980 Fasano et al (Similar H 0675)	K-12 Education/Children of Military ED 04/13/04 Not considered ED 04/20/04 MS AED AP	
7	SB 2310 Atwater (Compare H 1139)	Students/Reading Deficiencies ED 04/20/04 AED AP	

E X P A N D E D A G E N D A

COMMITTEE ON EDUCATION

DATE: Tuesday, April 20, 2004

TIME: 1:15 p.m. -- 3:15 p.m.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS		COMMITTEE ACTION
8	SB 2374 Posey (Compare H 1753)	School Food Services		
		ED	04/13/04	Temporarily postponed
		ED	04/20/04	
		GO		
		AED		
		AP		
9	SB 2440 Margolis (Compare H 1125)	School District Governance		
		ED	04/13/04	Not considered
		ED	04/20/04	
		AED		
		AP		
		RC		
10	SB 2968 Clary (Identical H 1751)	International Certificate of Educ.		
		ED	04/20/04	
		AED		
		AP		
<u>PENDING RECONSIDERATION:</u>				
11	SB 1838 Crist (Similar 1ST ENG/H 0113, Compare H 0861)	School Boards/School Drug Testing		
		ED	03/03/04	Temporarily postponed
		ED	03/10/04	Temporarily postponed
		ED	03/17/04	Not considered
		ED	03/24/04	Not considered
		ED	03/31/04	Not considered
		ED	04/13/04	Pending reconsideration (Unf
		ED	04/20/04	
		JU		
		AED		
		AP		
12	SB 2620 Diaz de la Portilla (Linked CS/S 2614, Compare H 1193, H 1195)	State Homeland Security Trust Fund		
		HP	03/29/04	FAVORABLE
		ED	04/13/04	Pending reconsideration (Unf
		ED	04/20/04	
		RI		
		CJ		
		AGG		
		AP		

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 3000

SPONSOR: Senator Diaz de la Portilla

SUBJECT: Charter Schools

DATE: April 7, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Woodruff <i>W</i>	O'Farrell <i>W</i>	ED	
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

The bill amends current statutory provisions to allow a community college or a state university on its own or in partnership with an independent postsecondary educational institution to sponsor a charter school.

Language relating to charter school facilities is amended to require such facilities to comply with the Florida Building Code and the Florida Fire Prevention Code and to remove other options for code compliance.

Charter schools are exempted from payment of fees for business licenses related to construction of the charter school.

Language is added to the statutes to allow impact fees, charged to mitigate the need for educational facilities, to be used to pay for the concurrent construction of charter schools in new residential developments.

The list of administrative services which are to be provided by the sponsor of a charter school are amended to include the cost of required tests. The school district in which a charter school is located also must give the charter school access to the data management systems used by the district.

The statutory formula upon which capital outlay funding is distributed to charter schools is amended. The uses for capital outlay funds are expanded to include any capital outlay purpose that is directly related to the functioning of the charter school.

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1013.62.

II. Present Situation:

Section 1002.33, Florida Statutes, authorizes charter schools. Charter schools are public schools operated pursuant to a performance contract (or charter) that frees them from many of the statutes and rules that govern traditional public schools, but which holds the school accountable for academic and financial results. Subsection 1002.33 (1), Florida Statutes, provides that a charter school may be formed by creating a new school or by converting an existing public school to charter status.

Guiding Principles: Currently, the statutory purposes of charter schools are:

Create innovative measurement tools.

Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

Expand the capacity of the public school system.

Application and Sponsors: Pursuant to s. 1002.33 (3), Florida Statutes, an application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state. Alternatively, a public school that has been in operation for at least two years may convert to a charter school pursuant to an application by the district school board, the principal, teachers, parents, and/or the school advisory council. Under current law, there is no provision to facilitate the conversion of a group of public schools other than through the individual application process.

The sponsor of a charter school is usually the district school board. Subsection 1002.33 (5), Florida Statutes, provides that a public community college may, in cooperation with the school board or boards within its service area, develop charter schools that offer secondary education and allow students to obtain an associate's degree upon graduation from high school. Also, a state university may grant a charter to a lab school, in which case the university is considered to be the charter lab school's sponsor.

Application Process and Review: A Charter School Appeals Commission is established to assist with review of appeals. Currently, the review of appeals is for:

Applicants whose charters have been denied; or

Applicants whose charter contracts have not been renewed by their sponsors.

Unencumbered Capital Outlay Funds: When a charter is not renewed or is terminated by the sponsor (the district), any unencumbered public funds from the charter school revert to the district school board.

Municipal Charter Schools: The cities of Pembroke Pines and Coral Springs have established municipal charter schools. Both cities' approved charter applications established "feeder patterns" for their schools to establish a cohesive educational system and enable charter school students to move through each level of school without reapplication. The schools share administration and operate under one common governing board. Before the School Code Rewrite, the unique nature of the municipal feeder school pattern was recognized in the School Code. Reference to the municipal feeder school pattern was deleted during the School Code Rewrite.

Funding of Charter School Student Enrollments: A charter school is a public school. Students enrolled in a charter school are funded in the same way as all other public school students in the school district. Each charter school must report its student enrollment to the school district and the school district, in turn, includes the charter school's student enrollment in its report of student enrollment that is submitted to the state for funding and reporting purposes.

Facilities: Florida Statutes require charter school facilities to comply with the:

State Uniform Building Code for Public Educational Facilities Construction (State Requirements for Educational Facilities) adopted by the Florida Building Commission within the Florida Building Code or applicable state minimum building codes in the Florida Building Code.

State minimum fire protection codes, which are the Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal. Section 633.025, Florida Statutes, requires each municipality, county, and special district with firesafety responsibility to enforce the Florida Fire Prevention Code and Life Safety Code as the minimum firesafety code; however, the local authority may adopt more stringent firesafety standards.

Fees: Charter school facilities are exempt from the following fees:

Assessments of fees for building permits, except for those that are for the enforcement of the Florida Building Code.

Assessments of impact fees or service availability fees.

Inspections: The local school district in conjunction with the local fire marshal has jurisdiction for inspection of a facility and issuance of a certificate of occupancy. Inspections must be performed jointly by the local school district and the local fire marshal.

Subsection 1013.38 (1), Florida Statutes, provides that school boards shall ensure that all new construction, renovation, remodeling, day labor, and maintenance projects conform to the appropriate sections of the Florida Building Code, Florida Fire Prevention Code, or where applicable as authorized in other sections of law, other building codes, and life safety codes.

Chapter 553, Florida Statutes, is known as the "Florida Building Codes Act." Subsection (6) requires public school districts to enforce building code compliance for their building projects, but does not limit the authority of the local government or code enforcement district to ensure

that facilities comply with the Florida Building Code or to limit the authority of the fire official to conduct firesafety inspections.

Services: The charter school sponsor must provide the following administrative and educational services to charter schools:

- Contract management services
- Full-time equivalent and data reporting services
- Exceptional student education administration services
- Test administration services
- Processing of teacher certificate data services
- Information services

Administrative fees for the above services that may be charged by the district to a charter school are 5 percent of the available per student FEFP funds. However, there is a cap on administrative fees that the district may charge. For schools with 501 students and above, the calculation is made only on 500 students. Any charter school with an enrollment of 501 or more calculates the 5 percent for those students over 500, but retains the additional calculated amount which may be used only for capital outlay purposes. Goods and services provided by the school district to the charter school through the contract must be provided for no more than the actual cost.

Transportation: Transportation of charter school students must be provided by the charter school consistent with the requirements for transportation of all public K-12 students. The charter school may provide the transportation services through a contractual arrangement or an agreement with the district school board, a private provider, or parents.

Lab Schools: The 2003 Legislature limited the ability of a university to sponsor more than one lab school. Three existing charter lab schools authorized prior to June 1, 2003 were specifically exempted from the limitation. A mistake was made in the name of the charter lab school in Pembroke Pines. The actual charter is for a K-12 school rather than an elementary school as stated in the legislation.

III. Effect of Proposed Changes:

The bill:

Extends sponsorship of charter schools to community colleges and state universities.

Allows a community college or a state university to partner with independent postsecondary institutions to sponsor charter schools.

Requires charter school facilities to comply with the Florida Building Code and the Florida Fire Prevention Code.

Exempts charter schools from compliance with the State Requirements for Educational Facilities (SREF) section of the Florida Building Code.

Requires a coordinated and joint inspection of facilities by the local school district in conjunction with the local fire marshal.

Exempts charter school facilities from business licenses.

Allows educational impact fees for charter schools built in areas with new residential dwellings to be used for charter facilities/student stations.

Requires the local zoning authority assessing impact fees to enter into an agreement that designates the impact fee to the charter school for timely construction of charter school student stations.

Requires the charter school sponsor to pay for the costs of state or district required tests and requires the charter schools to have equal access to all data management systems that are used by the public schools in the same district.

Establishes eligibility criteria for a funding allocation to include that the charter school must have received capital outlay funding in the 2003-2004 school year. The bill deletes the language by which funds are currently distributed.

Clarifies that the governing body of a charter school may use charter school capital outlay funding for any capital outlay purpose that is directly related to the functioning of the charter school.

The effective date of the bill is July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If additional charter schools were created as a result of this bill, parents and students would have additional educational options.

If new impact fees were adopted to pay for the charter schools created pursuant to the bill, developers/homebuyers would pay the cost of the fee.

C. Government Sector Impact:

State-required tests are furnished by the state at no cost to public schools. Districts are responsible for training monitors and test coordinators who are responsible for pick up and return of tests and results. School districts that have been passing along the cost of district tests and any charges related to state required testing would no longer be allowed to pass that cost on to charter schools.

Inspectors of the local governmental authority that would issue a certificate of occupancy for a charter school would conduct the required inspections for compliance with building and safety codes. This would be an increase in workload for the local governing agency for each charter school constructed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the Department of Education, access to school district data systems by outside entities could jeopardize the integrity of a district's data. Language clarifying the extent and purpose for which access should be available might be needed.

To the extent that an impact fee is received by a local school district, the diversion of a portion of that fee to pay for a charter school's facilities might impact the ability of the district to construct planned schools or meet debt obligations agreed upon prior to the diversion.

There is no mandate that students living in a geographical locale must attend a charter school. If impact fees are used to pay for construction of charter school facilities associated with a particular development, and students choose to attend the public schools for which they are zoned, the charter school might not mitigate the enrollment growth resulting from a new development, and the impact funds would not be available for the construction of the additional public schools needed to house the growth in students.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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CHAMBER ACTION

SenateHouse.
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.**EDUCATION**DATE: 4-19-04TIME: 12:30 pm

Senator Aronberg moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (2), paragraph (e) of subsection (6), paragraph (e) of subsection (8), paragraph (c) of subsection (15), subsection (18), and paragraphs (a) and (b) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(2) GUIDING PRINCIPLES; PURPOSE.--

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the

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1 development of new residential dwelling units.

2 (6) APPLICATION PROCESS AND REVIEW.--Beginning
3 September 1, 2003, applications are subject to the following
4 requirements:

5 (e)1. A Charter School Appeal Commission is
6 established to assist the commissioner and the State Board of
7 Education with a fair and impartial review of appeals by
8 applicants whose charter applications ~~charters~~ have been
9 denied, ~~or~~ whose charter contracts have not been renewed or
10 have been terminated by their sponsors, or whose disputes over
11 contract negotiations have not been resolved through
12 mediation.

13 2. The Charter School Appeal Commission may receive
14 copies of the appeal documents forwarded to the State Board of
15 Education, review the documents, gather other applicable
16 information regarding the appeal, and make a written
17 recommendation to the commissioner. The recommendation must
18 state whether the appeal should be upheld or denied and
19 include the reasons for the recommendation being offered. The
20 commissioner shall forward the recommendation to the State
21 Board of Education no later than 7 calendar days prior to the
22 date on which the appeal is to be heard. The state board must
23 consider the commission's recommendation in making its
24 decision, but is not bound by the recommendation. The decision
25 of the Charter School Appeal Commission is not subject to the
26 provisions of the Administrative Procedure Act, chapter 120.

27 3. The commissioner shall appoint the members of the
28 Charter School Appeal Commission. Members shall serve without
29 compensation but may be reimbursed for travel and per diem
30 expenses in conjunction with their service. One-half of the
31 members must represent currently operating charter schools,

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1 and one-half of the members must represent school districts.
2 The commissioner or a named designee shall chair the Charter
3 School Appeal Commission.

4 4. The chair shall convene meetings of the commission
5 and shall ensure that the written recommendations are
6 completed and forwarded in a timely manner. In cases where the
7 commission cannot reach a decision, the chair shall make the
8 written recommendation with justification, noting that the
9 decision was rendered by the chair.

10 5. Commission members shall thoroughly review the
11 materials presented to them from the appellant and the
12 sponsor. The commission may request information to clarify the
13 documentation presented to it. In the course of its review,
14 the commission may facilitate the postponement of an appeal in
15 those cases where additional time and communication may negate
16 the need for a formal appeal and both parties agree, in
17 writing, to postpone the appeal to the State Board of
18 Education. A new date certain for the appeal shall then be set
19 based upon the rules and procedures of the State Board of
20 Education. Commission members shall provide a written
21 recommendation to the state board as to whether the appeal
22 should be upheld or denied. A fact-based justification for the
23 recommendation must be included. The chair must ensure that
24 the written recommendation is submitted to the State Board of
25 Education members no later than 7 calendar days prior to the
26 date on which the appeal is to be heard. Both parties in the
27 case shall also be provided a copy of the recommendation.

28 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

29 (e) When a charter is not renewed or is terminated,
30 the school shall be dissolved under the provisions of law
31 under which the school was organized, and any unencumbered

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1 public funds, except for capital outlay funds, from the
2 charter school shall revert to the district school board.
3 Capital outlay funds provided pursuant to s. 1013.62 that are
4 unencumbered shall revert to the department to be
5 redistributed among eligible charter schools. In the event a
6 charter school is dissolved or is otherwise terminated, all
7 district school board property and improvements, furnishings,
8 and equipment purchased with public funds shall automatically
9 revert to full ownership by the district school board, subject
10 to complete satisfaction of any lawful liens or encumbrances.
11 Any unencumbered public funds from the charter school,
12 district school board property and improvements, furnishings,
13 and equipment purchased with public funds, or financial or
14 other records pertaining to the charter school, in the
15 possession of any person, entity, or holding company, other
16 than the charter school, shall be held in trust upon the
17 district school board's request, until any appeal status is
18 resolved.

19 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
20 SCHOOLS-IN-A-MUNICIPALITY.--

21 (c) A charter school-in-a-municipality designation may
22 be granted to a municipality that possesses a charter; enrolls
23 students based upon a random lottery that involves all of the
24 children of the residents of that municipality who are seeking
25 enrollment, as provided for in subsection (10); and enrolls
26 students according to the racial/ethnic balance provisions
27 described in subparagraph (7)(a)8. When a municipality has
28 submitted charter applications for the establishment of a
29 charter school feeder pattern, consisting of elementary,
30 middle, and senior high schools, and each individual charter
31 application is approved by the district school board, such

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1 schools shall then be designated as one charter school for all
2 purposes listed pursuant to this section. Any portion of the
3 land and facility used for a public charter school shall be
4 exempt from ad valorem taxes, as provided for in s. 1013.54,
5 for the duration of its use as a public school.

6 (18) FACILITIES.--

7 (a) A charter school shall utilize facilities which
8 comply with the Florida State-Uniform Building Code pursuant
9 to chapter 553 except for the State Requirements for
10 Educational Facilities. Charter schools are not required to
11 comply, but may choose to comply, with the State Requirements
12 for Educational Facilities of the Florida Building Code
13 adopted pursuant to s. 1013.37. The local governing authority
14 shall not adopt or impose local building requirements or
15 restrictions that are more stringent than those found in the
16 Florida Building Code. The agency having jurisdiction for
17 inspection of a facility and issuance of a certificate of
18 occupancy shall be the local municipality or, if in an
19 unincorporated area, the county governing authority for Public
20 Educational-Facilities-Construction-adopted-pursuant-to-s-
21 1013-37-or-with-applicable-state-minimum-building-codes
22 pursuant-to-chapter-553-and state-minimum-fire-protection
23 codes pursuant-to-s.-633-025,-as-adopted-by-the-authority-in
24 whose-jurisdiction-the-facility-is-located.

25 (b) A charter school shall utilize facilities that
26 comply with the Florida Fire Prevention Code, pursuant to s.
27 633.025, as adopted by the authority in whose jurisdiction the
28 facility is located as provided in paragraph (a).

29 (c) ~~(b)~~ Any facility, or portion thereof, used to house
30 a charter school whose charter has been approved by the
31 sponsor and the governing board, pursuant to subsection (7),

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1 shall be exempt from ad valorem taxes pursuant to s. 196.1983.

2 ~~(c)--Charter-school-facilities-shall-utilize-facilities~~
3 ~~which-comply-with-the-Florida-Building-Code,-pursuant-to~~
4 ~~chapter-553,-and-the-Florida-Fire-Prevention-Code,-pursuant-to~~
5 ~~chapter-633-~~

6 (d) Charter school facilities are exempt from
7 assessments of fees for building permits, except as provided
8 in s. 553.80, and for building licenses and from assessments
9 of impact fees or service availability fees.

10 (e) If a district school board facility or property is
11 available because it is surplus, marked for disposal, or
12 otherwise unused, it shall be provided for a charter school's
13 use on the same basis as it is made available to other public
14 schools in the district. A charter school receiving property
15 from the school district may not sell or dispose of such
16 property without written permission of the school district.
17 Similarly, for an existing public school converting to charter
18 status, no rental or leasing fee for the existing facility or
19 for the property normally inventoried to the conversion school
20 may be charged by the district school board to the parents and
21 teachers organizing the charter school. The charter organizers
22 shall agree to reasonable maintenance provisions in order to
23 maintain the facility in a manner similar to district school
24 board standards. The Public Education Capital Outlay
25 maintenance funds or any other maintenance funds generated by
26 the facility operated as a conversion school shall remain with
27 the conversion school.

28 (f) To the extent that charter school facilities are
29 specifically created to mitigate the educational impact
30 created by the development of new residential dwelling units,
31 pursuant to subparagraph (2)(c)4., some of or all of the

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1 educational impact fees required to be paid in connection with
2 the new residential dwelling units may be designated instead
3 for the construction of the charter school facilities that
4 will mitigate the student station impact. Such facilities
5 shall be built to the State Requirement for Educational
6 Facilities and shall be owned by a public or nonprofit entity.
7 The local school district retains the right to monitor and
8 inspect such facilities to ensure compliance with the State
9 Requirement for Educational Facilities. If a facility ceases
10 to be used for public educational purposes, either the
11 facility shall revert to the school district subject to any
12 debt owed on the facility, or the owner of the facility shall
13 have the option to refund all educational impact fees utilized
14 for the facility to the school district. The district and the
15 owner of the facility may contractually agree to another
16 arrangement for the facilities if the facilities cease to be
17 used for educational purposes. The owner of property planned
18 or approved for new residential dwelling units and the entity
19 levying educational impact fees shall enter into an agreement
20 that designates the educational impact fees that will be
21 allocated for the charter school student stations and that
22 ensures the timely construction of the charter school student
23 stations concurrent with the expected occupancy of the
24 residential units.

25 (20) SERVICES.--

26 (a) A sponsor shall provide certain administrative and
27 educational services to charter schools. These services shall
28 include contract management services;7 full-time equivalent
29 and data reporting services;7 exceptional student education
30 administration services;7 test administration services,
31 including payment of the costs of state-required or

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1 district-required student assessments; processing of teacher
2 certificate data services; and information services,
3 including equal access to student information systems that are
4 used by public schools in the district in which the charter
5 school is located. A total administrative fee for the
6 provision of such services shall be calculated based upon 5
7 percent of the available funds defined in paragraph (17)(b)
8 for all students. However, a sponsor may only withhold a
9 5-percent administrative fee for enrollment for up to and
10 including 500 students. For charter schools with a population
11 of 501 or more students, the difference between the total
12 administrative fee calculation and the amount of the
13 administrative fee withheld may only be used for capital
14 outlay purposes specified in s. 1013.62(2). Sponsors shall not
15 charge charter schools any additional fees or surcharges for
16 administrative and educational services in addition to the
17 5-percent administrative fee withheld pursuant to this
18 paragraph.

19 (b) If goods and services are made available to the
20 charter school through the contract with the school district,
21 they shall be provided to the charter school at a rate no
22 greater than the district's actual cost unless mutually agreed
23 upon by the charter school and the sponsor in a contract
24 negotiated separately from the charter. When mediation has
25 failed to resolve disputes over contracted services or
26 contractual matters not included in the charter, an appeal may
27 be made for a dispute resolution hearing before the Charter
28 School Appeal Commission. To maximize the use of state funds,
29 school districts shall allow charter schools to participate in
30 the sponsor's bulk purchasing program if applicable.

31 Section 2. The Department of Education shall conduct a

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1 study of transportation issues as they relate to charter
2 schools, including, but not limited to, full-time equivalent
3 and data reporting services with respect to transportation;
4 the impact that transporting charter school students has on a
5 school district's average bus occupancy and the feasibility of
6 calculating average bus occupancy separately for charter
7 schools and school districts; and the additional costs of
8 transporting students who choose not to attend conversion
9 charter schools. The results of the study shall be presented
10 to the President of the Senate, the Speaker of the House of
11 Representatives, and the Charter School Appeal Commission no
12 later than November 1, 2004, for a public hearing and
13 development of legislative recommendations.

14 Section 3. Subsection (2) and paragraph (a) of
15 subsection (9) of section 1002.32, Florida Statutes, are
16 amended to read:

17 1002.32 Developmental research (laboratory) schools.--

18 (2) ESTABLISHMENT.--There is established a category of
19 public schools to be known as developmental research
20 (laboratory) schools (lab schools). Each lab school shall
21 provide sequential instruction and shall be affiliated with
22 the college of education within the state university of
23 closest geographic proximity. A lab school to which a charter
24 has been issued under s. 1002.33(5)(a) 2. must be affiliated
25 with the college of education within the state university that
26 issued the charter, but is not subject to the requirement that
27 the state university be of closest geographic proximity. For
28 the purpose of state funding, Florida Agricultural and
29 Mechanical University, Florida Atlantic University, Florida
30 State University, the University of Florida, and other
31 universities approved by the State Board of Education and the

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1 Legislature are authorized to sponsor a lab school. The
2 limitation of one lab school per university shall not apply to
3 the following charter lab schools authorized prior to June 1,
4 2003: Florida State University Charter Lab K-12 Elementary
5 School in Broward County, Florida Atlantic University Charter
6 Lab 9-12 High School in Palm Beach County, and Florida
7 Atlantic University Charter Lab K-12 School in St. Lucie
8 County.

9 (9) FUNDING.--Funding for a lab school, including a
10 charter lab school, shall be provided as follows:

11 (a) Each lab school shall be allocated its
12 proportional share of operating funds from the Florida
13 Education Finance Program as provided in s. 1011.62 based on
14 the county in which the lab school is located and the General
15 Appropriations Act. The nonvoted ad valorem millage that would
16 otherwise be required for lab schools shall be allocated from
17 state funds. The required local effort funds calculated
18 pursuant to s. 1011.62 shall be allocated from state funds to
19 the schools as a part of the allocation of operating funds
20 pursuant to s. 1011.62. Each eligible lab school in operation
21 as of September 1, 2002, shall also receive a proportional
22 share of the sparsity supplement as calculated pursuant to s.
23 1011.62. In addition, each lab school shall receive its
24 proportional share of all categorical funds, with the
25 exception of s. 1011.68, and new categorical funds enacted
26 after July 1, 1994, for the purpose of elementary or secondary
27 academic program enhancement. The sum of funds available as
28 provided in this paragraph shall be included annually in the
29 Florida Education Finance Program and appropriate categorical
30 programs funded in the General Appropriations Act.

31 Section 4. If any provision of this act or the

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1 application thereof to any person or circumstance is held
2 invalid, the invalidity shall not affect other provisions or
3 applications of the act which can be given effect without the
4 invalid provision or application, and to this end the
5 provisions of this act are declared severable.

6 Section 5. This act shall take effect July 1, 2004.
7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause
12

13 and insert:

14 A bill to be entitled

15 An act relating to charter schools; amending s.
16 1002.33, F.S.; revising authorized purposes of
17 charter schools; providing for appeals under
18 certain circumstances; providing for reversion
19 of capital outlay funds to the Department of
20 Education under certain circumstances;
21 providing for designation as one charter school
22 of schools in a charter school feeder pattern
23 under certain circumstances; revising
24 provisions relating to facility compliance with
25 building construction standards; clarifying
26 Florida Building Code and Florida Fire
27 Prevention Code compliance requirements for
28 charter schools; clarifying jurisdiction for
29 inspections; providing an exemption from
30 assessment of certain fees; providing for use
31 of educational impact fees; requiring an

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205428

1 agreement relating to allocation and use of
2 impact fees; requiring a charter school sponsor
3 to provide additional services; prohibiting
4 certain fees or surcharges for certain
5 services; revising provisions relating to
6 contracts for goods and services; requiring a
7 study of transportation issues by the
8 department; amending s. 1002.32, F.S.;
9 correcting the name of a charter lab school;
10 revising provisions relating to the allocation
11 of lab school funds from the Florida Education
12 Finance Program; providing for severability;
13 providing an effective date.
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 426

SPONSOR: Senator Geller

SUBJECT: Public School Student Progression

DATE: April 7, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	O'Farrell	ED	
2.			CJ	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

The bill adds social studies as an area of proficiency to the legislative intent provisions for public school student progression. District school boards must establish a comprehensive program of student progression that includes specific levels of performance in social studies for each grade level. Students who fall below or who are unable to meet performance levels must be provided with additional diagnostic assessments and must receive remediation or be retained within a specific intensive program. School districts must provide parents with information related to their child's progress in social studies.

Academic improvement plans are required for certain students in schools providing educational services in Department of Juvenile Justice programs. The bill requires assessment data for science and social studies to be included as a part of the education records that must be maintained in the student's commitment record.

This bill substantially amends ss. 1008.25, 1003.51, and 1003.52, F.S.

The bill provides an effective date of July 1, 2004.

II. Present Situation:

Current State Law

Student Progression

District school boards must establish comprehensive programs for student progress that include standards for evaluating student performance, specific levels of performance in reading, writing, science, and mathematics for each grade level, including performance levels on statewide assessments, and appropriate alternative placement for a student who has been retained for 2 or

more years. Students who perform below the performance level must receive remediation or be retained in an intensive program that is different from the previous year's program and that takes into consideration the student's learning style.

Remedial and supplemental instructional resources must be provided, according to the following priority:

- students who are deficient in reading by the end of grade 3.
- students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression.

Students who do not meet either the district performance levels in reading, writing, science, and mathematics or the performance levels on statewide assessments at selected grade levels must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. School districts must provide parents with information related to their child's progress toward achieving state and district proficiency in reading, writing, science, and mathematics, as well the student's results on each statewide assessment test.

Student Assessment

Current law (s. 1008.22(3), F.S.) requires the Commissioner of Education to develop and implement a student achievement testing program, the Florida Comprehensive Assessment (FCAT), as part of the statewide educational assessment program that provides information for improving the operation and management of public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Participation in the testing program is mandatory for all students attending public school, including students served Department of Juvenile Justice programs, except as otherwise prescribed by the Commissioner. Parents of students who do not participate in the assessment program must be provided specific information about possible consequences. School districts must provide appropriate remediation instruction to students who score below the levels established for each subject area.

Florida currently requires public school students in grades 3 through 10 to annually take the reading and mathematics portions of the FCAT. Students in grades 4, 8, and 10 must also take the writing portion of the FCAT and students in grades 5, 8, and 10 must take the science portion.

Students must earn a passing score on the 10th grade assessment test in reading, writing, and mathematics to qualify for a regular high school diploma, unless exempt. State Board of Education rule 6A-1.09422, F.A.C.) designates the passing scores for each part of the assessment test, specifies the passing scores for the 10th grade FCAT, and provides for reexaminations that are offered for up to three times each year in grades 11 and 12 to each student who fails part of the 10th grade test, for a total of 6 reexaminations.¹ While the Sunshine State Standards contain grade level expectations studies, the FCAT does not include social studies as a content area.

¹ See Rule 6A-1.09422, F.A.C. and <http://www.firn.edu/doe/sas/pdf/fcat-schedule.pdf>

No Child Left Behind

The federal No Child Left Behind Act (NCLB) sets forth specific testing requirements for public school students. This testing is used to measure whether states, districts, and schools are making adequate yearly progress (AYP) toward state student proficiency goals. NCLB requires reporting of testing information for students disaggregated by certain specific subgroups, including the major ethnic and racial groups, economically disadvantaged students, limited English proficient students, students with disabilities, as well as the overall student population as a whole.

Under federal law, a school identified for school improvement must develop or revise a school plan, in consultation with parents, the district, and other stakeholders to incorporate practices and policies for ensuring the success of all subgroups. The 2003-2004 action plan for schools identified with “school improvement status” specifies required components.² School level expectations include the following:

- As part of the School Improvement Plan, the school administrator and School Advisory Council generate a school-wide professional development system that is aligned and linked with disaggregated student achievement data, student and instructional personnel needs, annual performance appraisal data for teachers and administrators, and school and district strategic planning.
- School Improvement Plan objectives for each subcategory.
- Schools have components of a successful reading program as identified by Just Read, Florida!
- High schools have yearlong intensive tutorial programs in place during the normal school hours for 11th and 12th grade students who have not been successful in obtaining the score required for graduation on the FCAT.
- All grades have intensive tutorial programs in place during regularly scheduled school hours for level 1 reading and mathematics students in addition to regularly scheduled lessons.
- Intensive tutorial programs in place during regularly scheduled schools hours for any subgroups that failed to make adequately yearly progress.

Educational Services to Students in Department of Juvenile Justice (DJJ) programs

Students participating in a detention, commitment, or rehabilitation program under chapter 985, F.S., which is sponsored by a community-based agency or is operated or contracted for by the Department of Juvenile Justice must receive educational programs according to rules of the State Board of Education.³ A cooperative agreement and plan for juvenile justice education service

² See <http://osi.fsu.edu/a+/aplus2.htm>

³ Detention centers are juvenile facilities operated by the Florida DJJ that detain students while they are awaiting their court appearances or awaiting placement in a commitment facility. Residential commitment programs include low, moderate, high, and maximum risk Florida DJJ programs. Students temporarily reside in these programs while committed to DJJ. Day treatment programs are non-residential programs operated by or under contract with the DJJ. Day treatment programs include prevention, intensive probation, and conditional release programs that have educational services that are provided on site. All students in day treatment programs who are under the responsibility or supervision of the DJJ are subject to educational quality assurance reviews. See *Educational Quality Assurance Standards*, Juvenile Justice Educational Enhancement Program, 2004.

enhancement must be developed each year between the Department of Juvenile Justice and the Department of Education.

Current law requires an administrative rule for expectations for effective education programs for youth in Department of Juvenile Justice programs that includes academic expectations and assessment procedures. The Department of Education, in partnership with the Department of Juvenile Justice, the district school boards, and providers must maintain standardized required content of education records to be included as part of a youth's commitment record. These requirements must include assessment data, including grade level proficiency in reading, writing, and mathematics, and performance on tests taken according to s. 1008.22, F.S.

Florida law requires an academic improvement plan for students who score below the level specified in district school board policy in reading, writing, and mathematics or who score below the level specified by the Commissioner of Education on statewide assessments. The plans must address academic, literacy, and life skills, as well as provisions for intensive remedial instruction in the areas of weakness.

Current administrative rule (Rule 6A-6.05281, F.A.C.) provides for educational programs for youth in Department of Juvenile Justice detention, commitment, day treatment, or early delinquency intervention programs and includes provisions for student records, student assessments, and individual academic plans.

According to the Juvenile Justice Enhancement Program (JEEP), delinquent youths are more likely to have lower GPA scores, have poorer attendance records, be retained in the same grade, and receive more disciplinary action when compared to nondelinquent youth.⁴ During the 2003-2004 school year, school districts provided educational services to 46,232 students in juvenile justice facilities.⁵

Of these students:

- 95.6 percent taking the General Educational Development (GED) test passed.
- 70 percent were promoted at the end of the school year.
- 62 percent graduated.
- 4.5 percent in grades 9-12 dropped out of school.
- 70 percent were overage for grade placement, compared with 53 percent of all dropout prevention students.
 - Of these overage students in juvenile justice education, 61 percent who were to graduate did so, while 69 percent of those not eligible to graduate were promoted to the next grade.

The JEEP's recommendations include the following:

- Continue to increase the number of certified teachers teaching in their areas of professional certification in the state's juvenile justice education programs; and

⁴ See <http://www.jjeep.org/annual.htm> Annual Report to the Florida Department of Education, Juvenile Justice Educational Enhancement Program, 2002.

⁵ Florida Department of Education, 2004.

- Continue to increase requirements and expectations for individualized education services and instruction in juvenile justice educational programs.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 1008.25, F.S., to add social studies as an area of proficiency to the legislative intent provisions for public school student progression. As well, district school boards must establish a comprehensive program of student progression that includes specific levels of performance in social studies for each grade level, including the performance levels on statewide assessments, as defined by the Commissioner of Education. Students who fall below these performance levels must receive remediation or be retained within a specific intensive program.

Students who are unable to meet district levels of performance in social studies must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. Districts must provide parents with information related to their child's progress toward achieving state and district proficiency in social studies.

Section 2. The bill amends s. 1003.51, F.S., to include assessment data for science and social studies as a part of the education records that must be maintained in the student's commitment record by the Department of Education, in consultation with the Department of Juvenile Justice, district school boards, and private providers.

Section 3. The bill amends s. 1003.52, F.S., related to the academic improvement plan for students in schools providing educational services in Department of Juvenile Justice programs. The plan is required for students who score below the level specified:

- in district school board policy in science or social studies; or
- by the Commissioner of Education on statewide assessments.

Section 4. The bill provides an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Private entities under contract with the district school boards that provide education services to students in Department of Juvenile Justice programs will incur some costs related to the requirements in the bill, including the additional components to academic improvement plans and reporting requirements.

C. Government Sector Impact:

Students who fall below or who do not meet performance levels in social studies will be subject to additional diagnostic assessment, remediation, or retention. District school boards that provide education services to students in Department of Juvenile Justice programs will incur some costs related to these requirements. Some costs may be incurred for the additional components to academic improvement plans and reporting requirements in the bill.

The bill does not amend s. 1008.22(3)(c), F.S., to explicitly require social studies as a part of the FCAT. If the intent of the bill is to add social studies as a component of the FCAT, the Department of Education will require time to develop and field test the assessment instrument. There will likely be significant costs associated with implementing this initiative.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FCAT science test requirement is established in s. 1008.22(3)(c), F.S. This requirement is not currently referenced in either s. 1003.51(3)(c)2., F.S. or s. 1003.52(7), F.S.

States that either currently require or plan to require a minimum score on an exit examination in social studies include Georgia, Louisiana, Texas, and Virginia.⁶

⁶ *FCAT Impact on Pupil Progression and High School Graduation*, Senate Interim Project (2004-129), Background, February 2004.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SB 426Amendment No. 1

775484

CHAMBER ACTION

SenateHouse.
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.**EDUCATION**DATE: 4-19-04TIME: 12:00 noon

Senator Wasserman Schultz moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. By January 15, 2005, the Department of Education shall conduct a study to determine the status of social studies instruction in public schools and social science instruction in community colleges and state universities. The study shall include:

(1) An analysis that documents compliance by each school district with the social studies instruction as required in section 1003.42, Florida Statutes.

(2) An analysis that examines the extent to which the social science component of the general education requirements of each community college and state university includes civics instruction.

(3) Information on standards adopted by the State Board of Education related to social studies instruction.

(4) Any recommendations for policy changes relating to

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Amendment No. _____



775484

1 the study required in subsections (1)-(3).

2 Section 2. This act shall take effect July 1, 2004.

3
4
5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8
9 and insert:

10 A bill to be entitled

11 An act relating to social studies instruction;
12 requiring the Department of Education to
13 conduct a study; providing an effective date.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1452

SPONSOR: Senator Bennett

SUBJECT: Career and Technical Education

DATE: April 16, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Woodruff <i>EW</i>	O'Farrell <i>WJ</i>	ED	
2.			GO	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

The bill creates a high school vocational education program that requires:

- Certification of the technical portions by business and industry;
- A strong academic component with all required academic courses above level 2;
- Parental involvement in the identification of the appropriate program of study;
- Student participation in work-based learning experiences;
- Student attainment of specific accomplishments in an industry certified career and technical education program;
- Students to take a core course addressing workplace readiness skills;
- A capstone activity for each student that includes a project related to a career;
- A passing score on the College Entry Level Placement Test; and
- Articulation with postsecondary education and employment.

By July 1, 2009, all vocational programs in high school must meet these requirements as further specified in rules of the State Board of Education. The bill has no effect on high school programs other than vocational or technical programs, nor does it require a high school to have a vocational or technical component. Technical programs in grades 6 through 12 that meet the requirements will be funded at a level to be determined following the completion of a study by the Office of Program Policy Analysis and Governmental Accountability. Beginning in 2009, any student within a career and technical education course that is not part of such a program may not be reported for funding through the Florida Education Finance Program (FEFP) unless the course is classified as exploratory, orientation, or practical arts.

A student who completes the program would receive a "career and technical education endorsement" that assures an employer of the student's experience with workplace skills and academic competence.

The bill states that it is legislative intent that all high schools provide supportive services to students and their parents to determine a course of study best suited to the needs and goals of the each student. The bill requires additional qualifications for the school personnel who will coordinate with the business partners and assist the students through the program.

The bill specifies how a charter technical career center's student membership enrollment must be calculated. The charter agreement is to specify which delivery system (public school or community college) will determine how student contact hours will be counted to determine a full-time-equivalent (FTE). The bill states that only one method of counting students will be used at a center and both systems will report FTEs using that method.

The bill amends sections 1002.34, 1003.491, 1011.62, and 1012.01 of the Florida Statutes. The bill creates four undesignated new sections of the Florida Statutes and requires the Office of Program Policy and Governmental Accountability to conduct a study and report by January 1, 2005.

II. Present Situation:

In the 1998-1999 school year, Florida high schools reported almost 75,000 FTE students for funding in the job preparatory vocational education category, or 11.5 percent of all high school FTEs. This was among the highest participation rates in the nation.

At least since 1988, the Department of Education and the Legislature have taken an active role in the attempt to improve the outcomes of high school vocational education and to remove from it the stigma of the "vocational track." Based on studies initiated by the Rand Corporation and the Southern Regional Education Board, the goal of all the reform efforts has been the same: prepare all students for postsecondary education **and** work. The student should have a choice of "two parallel, more equal pathways through high school -- a Tech Prep pathway for career and community college-bound students and a parallel pathway for four-year college and university preparatory students. Both pathways should contain the same basic curriculum of demanding college preparatory level courses and should be flexible enough for students to move from one pathway to another."¹

All of the reforms have as their main effort the integration of vocational and academic education, with the following common components:

- Revise and develop ***vocational courses*** to teach communication, mathematics, and science.
- Revise and develop ***academic courses*** to teach concepts from the college preparatory curriculum through functional and applied strategies.
- Recognize that high school vocational education alone does not result in self-sufficiency, and develop ***two-plus-two programs*** that guarantee a smooth transition to postsecondary education or include part of a postsecondary education during the high school years.

¹Southern Regional Education Board, 1992. *Making High Schools Work*, p. 7.

Florida's major efforts can be divided into four categories, each of which may emphasize one of these components more than others. Each type of school includes all three components. Following is a brief description of the four categories.

Blueprint for Career Education -- Blueprint Schools:

These schools were originally funded by the 1988 Legislature and were designed around the Southern Regional Education Board's original "Ten Steps to Improve High School Vocational Education Programs." All Florida school districts now operate their vocational education programs around those concepts. However, when the Board evaluated several states, it found that Florida's programs still lacked the academic rigor that was associated with success. The Board's report recommended stronger efforts to increase academic proficiency among vocational students, especially to get them to take higher-level courses.

Tech Prep:

This program, also called two-plus-two, requires an articulation agreement with postsecondary education institutions. In 2000, almost all of Florida's high schools (296 of 298) had at least one tech prep program, and all 28 community colleges and five 4-year universities participated.

Career Academies:

These schools, created in 1992 by section 233.068, Florida Statutes, are open-enrollment schools-within-schools that prepare students for a common occupational "cluster" -- a group of related occupations that require varying levels of postsecondary education. The Legislature originally funded 30 academies, with an additional 8 funded by the federal School-to-Work program. This section was repealed in the rewrite of the school code in the 2002 Session.

High Schools That Work:

These schools are the "second generation" of the Blueprint Schools, designed around the findings of the Rand Corporation and the Southern Regional Education Board. The program must agree to an evaluation based on testing by the National Education Assessment Program (NAEP). Their main focus is integration of academic and career education, a 4-year career plan, and continuation in postsecondary education. In 2002 there were 41 high schools designated High Schools That Work that served over 93,000 students.

Outcome Information:

According to data from the Florida Education and Training Placement Information Program (FETPIP), for students graduating in 2000-2001, of the graduates who completed an occupational completion point, 55 percent were found in postsecondary education and 65 percent were found both employed and continuing their education. This is almost the same rate as for all students who received a standard high school diploma. Of those students who received a standard high school diploma, 59 percent were found to be continuing in postsecondary

education, while only 60 percent were found both working and continuing their education (see table).

2000-2001 Florida Public High School Graduates*

	Total	Continuing Education	Found in Employment	Found in Both Employment & Continuing Education
Students Receiving a Standard High School Diploma	103,248	59 percent	54 percent	60 percent
Students Graduating with at Least One Occupational Completion Point	19,480	55 percent	62 percent	65 percent

*Source: Florida Education and Training Placement Information Program

These data provide evidence that Florida's decade-long effort may be paying off. Additional information, however, indicates a need to continue the reform effort. Data provided by the Florida Chamber of Commerce show that the members of the business community are not satisfied with the quality of Florida's workforce. Workforce development is the top issue facing these businesses, and many executives say high school graduates do not possess the basic skills needed to function at work. When surveyed about specific employees who have completed vocational programs, employers are generally satisfied with their technical skills but less satisfied with their academic skills.

Task Force:

In the 1998 General Appropriations Act, Specific Appropriation 143 provided funding for a task force to design a comprehensive vocational program that would guarantee academic competency and workforce readiness of all vocational high school graduates. The Commissioner of Education appointed the task force to make recommendations related to a comprehensive vocational program. This bill is designed to implement the task force recommendations.

1999-2000 Pilot Projects: The 1999 Legislature appropriated \$2 million for implementation of 10 technical programs in comprehensive high schools as the task force recommended. One difference from the recommended model was that they did not require 2 years of a foreign language to earn the certificate.

Charter Technical Career Centers: Charter Technical Career Centers currently must provide instruction for at least the number of days required by law for other public schools or community colleges, as appropriate, and may provide instruction for additional days. The number of days of instruction contributes to the determination of the number of FTE served. Each system counts differently. Public schools count FTE on a 180 day, 900 contact hour basis. This usually translates to 75 hours of instruction within a six period day for ½ high school credit toward

graduation. Further, $\frac{1}{2}$ high school credit is usually awarded for a 3 semester credit hour community college course.

Community colleges count FTE on the basis of credits earned. Forty credit hours equal one FTE. Most community college classes last 50 minutes. Each semester lasts 16 weeks. One community college credit therefore equals 13.33 hours of instruction or 40 instructional hours for a 3 credit hour course. This is 35 hours less seat time than the public schools require for the same $\frac{1}{2}$ credit.

The net result is that the public schools usually require students to attend class for the additional time (35 hours) in order to be reported and earn an FTE through the FEFP. Either the school district or the community college must provide space and supervision for the additional 35 hours to the high school students in such a class.

III. Effect of Proposed Changes:

This bill creates a high school vocational education program with specific requirements as discussed below.

By 2009, all vocational programs in high school must meet these requirements as further specified in rules of the State Board of Education. The bill has no effect on high school programs other than vocational or technical programs, nor does it require a high school to have a vocational or technical component. Technical programs in grades 6 through 12 that meet the requirements will be funded at a fraction or a multiple of the weight for basic programs for grades 9-12 subject to the completion of and recommendations from a study by the Office of Program Policy Analysis and Governmental Accountability. Beginning in 2009, any technical education course that is not part of such a program will not be funded.

A student who completes the program would receive a “career and technical education endorsement” that assures an employer of the student’s experience with workplace skills and academic competence.

The bill requires additional qualifications for the school personnel who will coordinate with the business partners and assist the students through the program. The bill requires certification of each vocational area by the relevant business or industry.

The bill specifies that a single calculation must be used to report all FTE at a charter technical career center, regardless of whether the student is a public school or community college student.

The following section-by-section analysis briefly discusses the requirements.

Section 1. Legislative Intent (Creates new section): The intent language lists three components of high school programs: a variety of programs of study that are based on individual educational and career goals, parental involvement, and transition to postsecondary education and employment.

Section 2. Industry certification of technical programs in high schools (Creates new section): Effective July 1, 2009, each career and technical program must be industry-certified and must be recertified at least every 5 years. Subject to appropriation, each FTE student in such a program may generate a cost factor as a fraction or a multiple of the program weight for basic programs for grades 9-12 in the Florida Education Finance Program as determined by an OPPAGA study. The Department of Education shall adopt rules for obtaining business partners and requirements for business and industry involvement in curriculum oversight and equipment procurement.

Effective July 1, 2009, each career and technical program able to be articulated to a postsecondary level must have an articulation agreement with one or more appropriate postsecondary educational institutions. Students enrolled in a non-articulated program may not be reported for funding through the FEFP.

Section 3. Requirements for Students (Creates new section): An industry-certified technical program must enable students to graduate from high school prepared for postsecondary education and employment. These assurances incur the following requirements of students:

1. Completion of the academic courses required for graduation. All courses must be at level 2 or above (no basic courses).
2. Attainment of at least one occupational completion point for industry-certified technical programs, or completion of at least two courses in a technology education program.
3. Completion of a one credit core course addressing workplace readiness skills. This course will meet the graduation requirement for practical or performing arts. The course content shall be defined in rule by the Department of Education.
4. Participation in work-based learning experiences as defined by State Board of Education rule.
5. Participation in a capstone activity involving a student project related to a career. The State Board of Education may specify by rule the characteristics of a capstone activity.

A student who completes the technical program, completes the requirements for high school graduation, and passes the college entry-level placement test or an equivalent test, would earn a "career and technical education endorsement" upon graduation.

For each student who receives the endorsement, the school district may receive incentive funding through the General Appropriations Act. The incentive funds received by the district must be expended on the comprehensive career and technical education program of study.

Section 4. Counselors (Creates new section): This section addresses the need for guidance counselors to assist implementation of the industry-certified technical programs. The bill requires guidance counselors in each high school with such a program to complete 12 hours of in-service training in career and technical education every 5 years. The in-service training must emphasize labor-market trends and projections and include a practicum on career awareness. The State Board of Education must revise its rules for certification and recertification of guidance counselors so that they may substitute personal work-based experience for the required classroom instruction. The bill encourages colleges of education not to increase the total number of credit hours required for guidance counselors to complete a program, but to infuse the content of the required course into other courses.

Sections 5. Charter Technical Career Center Funding (Amends section 1002.34, Florida Statutes): Specifies that one method of calculating FTE shall be used at a charter technical career center and that one method shall be accepted by both delivery systems (public schools and community colleges) as meeting the FTE calculation requirements. The method of calculation must be defined in the charter agreement.

Section 6. Career and Technical Education (Amends section 1003.491, Florida Statutes): Responsibilities of school boards and superintendents - Requires each school board and superintendent to direct the smooth transition of high school vocational programs to industry-certified programs and the implementation of all components required to obtain an endorsement. The bill requires the articulation of career and technical education curriculum programs with corresponding postsecondary programs.

Section 7. Florida Education Finance Program (Amends section 1011.62, Florida Statutes): Provides that a full-time equivalent student in an industry-certified secondary career and technical education program shall generate funding, subject to appropriation, at a fraction or a multiple of the basic cost factor for grades 9-12 based upon the recommendations of a study conducted by the Office of Program Policy Analysis and Governmental Accountability.

Effective July 1, 2009, students in non-industry certified courses generate no state funding unless the course is classified as exploratory, orientation, or practical arts and for which a weighted cost factor is provided in the General Appropriations Act. The bill amends Group 2 calculations for students in exceptional student education programs, English for Speakers of Other Languages programs, and all career and technical programs to be calculated on grades 6-12 rather than 7-12. The "career and technical education endorsement" authorized for student diplomas is added to the list of programs that may receive categorical funding.

Section 8. Career Specialists (Amends section 1012.01, Florida Statutes): The bill changes a reference under "Instructional Personnel" to career specialists rather than the current occupational/placement specialists.

Section 9. Study by OPPAGA: The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a study to determine if career and technical education programs should have differentiated funding weights. The study is to be completed by January 1, 2005.

Section 10. Effective Date: The bill takes effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The following cost is an estimate. It is calculated on what the impact of the proposed changes would have been based on the current year General Appropriations Act. The 2003 General Appropriations Act set the basic program weight for grades 9-12 at 1.140. The actual weight for Vocational Education programs in grades 7-12 is 1.190 for 2003-2004.

Exploratory Program Cost: The bill would reclassify sixth grade exploratory program students. These students are currently funded at the basic weight of 1.000. As vocational students in 2003-2004, they would have been weighted at 1.190. Information is not currently available to identify the number of students enrolled in sixth grade exploratory programs and who would be reclassified. Using the 2003-2004 base student allocation (BSA) and weights, the additional cost per FTE can be determined. The current weight of these programs is 1.000. Using the 2003-2004 base student allocation (BSA) of \$3,630.03, each FTE would earn \$3,630.03. The new weight would be 1.190 times the BSA or \$4,319.74. The bill's additional cost for this change would have been \$689.71 per sixth grade vocational education FTE.

Industry-Certified Program Cost: The proposed cost of this provision of the bill is currently indeterminate. The bill requires OPPAGA to conduct a study to determine if career and technical education programs should have differentiated funding weights. Should the study find that a lower weight should be assigned to these programs than is currently assigned, then the cost to offer the program would be less. Should the study find that a higher weight should be assigned to the programs, then the cost of the programs will be greater than the current cost. Language in the bill would allow the weight assigned to the programs to be set in the General Appropriations Act.

"Career and technical education endorsement incentive program:" The bill would allow the Legislature to appropriate incentive funding to high schools for each student who successfully completes a comprehensive technical program of study and receives a "career and technical education endorsement" on his or her diploma. Whether the Legislature would choose to fund such an incentive program or the level at which it might be funded is unknown and therefore the fiscal impact is undetermined.

Charter Technical Career Center FTE Calculation: Adopting the community college method of calculating FTE at a charter technical career center will decrease the number of hours of instruction/supervision received by a public school student enrolled in a dual enrolled course. If the level of funding for such courses remains the same, the cost per hour of instruction will increase.

The above amounts are contingent on appropriation and will be impacted by the bill's requirement for a study to determine what the appropriate weights should be. Except for the reclassification of the sixth grade vocational education FTE and the possible impact of changes resulting from reclassifying the FTE at the charter technical Career center, there is no immediate fiscal impact that could be considered self-executing and determinative of future appropriations levels. With those exceptions, the bill provides a policy statement on the need for this program, allocates its components, sets general benchmarks for its funding, and directs the completion of a study to make specific funding recommendations to a subsequent legislature.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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CHAMBER ACTION

SenateHouse.
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.**EDUCATION**DATE: 4-19-04TIME: 1:10 pm

Senator Wise moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (11) of section 1002.34, Florida Statutes, is amended to read:

1002.34 Charter technical career centers.--

(11) FUNDING.--

(a) Notwithstanding any other provision of law, a charter technical career center's student membership enrollment must be calculated pursuant to this section.

(b) (a) Each district school board and community college that sponsors a charter technical career center shall pay directly to the center an amount stated in the charter. State funding shall be generated for the center for its student enrollment and program outcomes as provided in law. A center is eligible for funding from workforce education funds the-Florida-Workforce-Development-Education Fund, the Florida Education Finance Program, and the Community

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1 College Program Fund, depending upon the programs conducted by
2 the center.

3 (c)~~(b)~~ A center may receive other state and federal
4 aid, grants, and revenue through the district school board or
5 community college board of trustees.

6 (d)~~(e)~~ A center may receive gifts and grants from
7 private sources.

8 (e)~~(d)~~ A center may not levy taxes or issue bonds, but
9 it may charge a student tuition fee consistent with authority
10 granted in its charter and permitted by law.

11 (f)~~(e)~~ A center shall provide for an annual financial
12 audit in accordance with s. 218.39.

13 (g) A center must define in the charter agreement the
14 delivery system in which the instructional offering of
15 educational services will be placed. The rules governing this
16 delivery system must be applied to all of the center's
17 students and must authorize all other sponsoring educational
18 systems to report required enrollment and student data based
19 solely on the rules of the offering institution. Each sponsor
20 shall earn full-time equivalent membership for each student
21 for funding and reporting purposes.

22 ~~(f)--A-center-must-provide-instruction-for-at-least-the~~
23 ~~number-of-days-required-by-law-for-other-public-schools-or~~
24 ~~community-colleges,-as-appropriate,-and-may-provide~~
25 ~~instruction-for-additional-days-~~

26 Section 2. Section 1003.431, Florida Statutes, is
27 created to read:

28 1003.431 Career education certification.--

29 (1) A student who fulfills the following requirements
30 shall be recognized with a career education certification on
31 his or her high school diploma:

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1 (a) Completion of the requirements for high school
2 graduation as provided in s. 1003.429 or s. 1003.43 and the
3 additional requirements for a comprehensive career education
4 program of study as provided in subsection (2).

5 (b) A passing score on the college entry-level
6 placement test or an equivalent test identified by the
7 Department of Education with a score adequate to enroll in a
8 public postsecondary educational program without the need for
9 college preparatory or career preparatory instruction.

10 (2) A comprehensive program of study in career
11 education shall be designed to prepare a student to continue
12 his or her education at a postsecondary educational
13 institution and obtain employment. A comprehensive career
14 education program of study must require of each student:

15 (a) Completion of academic courses with a designation
16 from the Department of Education of level two or above. All
17 credits earned to meet graduation requirements in mathematics,
18 science, and communication must have that designation.

19 (b) Attainment of at least one occupational completion
20 point in an industry-certified career education program or
21 completion of at least two courses in a technology education
22 program.

23 (c) Completion of a one-credit course addressing
24 workplace readiness skills. The course requirement may be
25 satisfied by infusing course content into an existing select
26 career and education course. The State Board of Education
27 shall define by rule the content of the course and shall
28 ensure that the course meets graduation requirements for
29 performing fine arts or practical arts.

30 (d) Participation in work-based learning experiences,
31 as defined by rule by the State Board of Education.

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1 (e) Participation in a capstone activity that includes
2 a project related to a career. This activity is designed to
3 apply and demonstrate the competencies and concepts attained
4 in the student's program of study. The State Board of
5 Education may specify by rule characteristics of capstone
6 activities that meet the intent of this paragraph.

7 (3) The career education certification indicates that
8 the student is prepared to continue into postsecondary
9 education without the need for remediation and that the
10 student has marketable employment skills. The State Board of
11 Education may adopt by rule a standard format for the
12 certification.

13 (4) A school district is not required to offer a
14 comprehensive career education program pursuant to this
15 section. However, for each student who receives the career
16 education certification on his or her high school diploma, the
17 school district may receive incentive funding contingent upon
18 funding in the annual General Appropriations Act.

19 (5) A school district that generates funds as a result
20 of incentive funding for student achievement of the career
21 education certification on the high school diploma must expend
22 the total amount on the comprehensive career education program
23 of study. The school district may not apply indirect charges
24 to incentive funds earned.

25 Section 3. Subsection (1) of section 1003.491, Florida
26 Statutes, is amended, and subsection (3) is added to said
27 section, to read:

28 1003.491 Career ~~and-technical~~ education.--

29 (1) School board, superintendent, and school
30 accountability for career ~~and-technical~~ education within
31 elementary and secondary schools includes, but is not limited

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1 to:

2 (a) Student exposure to a variety of careers and
3 provision of instruction to explore specific careers in
4 greater depth.

5 (b) Student awareness of available career and
6 ~~technical~~ programs and the corresponding occupations into
7 which such programs lead.

8 (c) Student development of individual career plans.

9 (d) Integration of academic and career ~~and-technical~~
10 skills in the secondary curriculum.

11 (e) Student preparation to enter the workforce and
12 enroll in postsecondary education without being required to
13 complete college preparatory or career ~~vocational~~ preparatory
14 instruction.

15 (f) Student retention in school through high school
16 graduation.

17 (g) Career education ~~and-technical~~ curriculum
18 articulation with corresponding postsecondary programs in the
19 career ~~local-area-technical~~ center or community college, or
20 both.

21 (3) Each district school board and superintendent
22 shall implement all components required to obtain the career
23 education certification on the high school diploma if the
24 school district chooses to offer the certification.

25 Section 4. Section 1003.492, Florida Statutes, is
26 created to read:

27 1003.492 Industry-certified career education
28 programs.--

29 (1) A career education program within a comprehensive
30 high school program of study shall be coordinated with the
31 appropriate industry indicating that all components of the

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1 program are relevant and appropriate to prepare the student
2 for further education or for employment in that industry.

3 (2) The State Board of Education shall adopt rules
4 pursuant to ss. 120.536(1) and 120.54 for implementing an
5 industry certification process, which rules must establish any
6 necessary procedures for obtaining appropriate business
7 partners and requirements for business and industry
8 involvement in curriculum oversight and equipment procurement.

9 (3) The Department of Education shall study student
10 performance in industry-certified career education
11 programs. The department shall identify districts that
12 currently operate industry-certified career education
13 programs. The study shall examine the performance of
14 participating students over time. Performance factors shall
15 include, but not be limited to, graduation rates, retention
16 rates, additional educational attainment, employment records,
17 earnings, and industry satisfaction. The results of this study
18 shall be submitted to the President of the Senate and the
19 Speaker of the House of Representatives by December 31, 2004.

20 (4) The Department of Education shall conduct a study
21 to determine if a cost factor should be applied to
22 industry-certified career education programs and review the
23 need for startup funding for the programs. The study shall be
24 completed by December 31, 2004, and shall be submitted to the
25 President of the Senate and the Speaker of the House of
26 Representatives.

27 Section 5. Section 1006.025, Florida Statutes, is
28 created to read:

29 1006.025 Guidance services.--

30 (1) Each district school board shall annually submit a
31 district guidance report to the Commissioner of Education by

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1 June 30.

2 (2) The guidance report shall include, but not be
3 limited to, the following:

4 (a) Examination of student access to guidance
5 counselors.

6 (b) Degree to which a district has adopted or
7 implemented a guidance model program.

8 (c) Evaluation of the information and training
9 available to guidance counselors and career specialists to
10 advise students on areas of critical need, labor market
11 trends, and technical training requirements.

12 (d) Progress toward incorporation of best practices
13 for advisement as identified by the department.

14 (e) Consideration of alternative guidance systems or
15 ideas, including, but not limited to, a teacher-advisor model,
16 mentoring, partnerships with the business community, web-based
17 delivery, and parental involvement.

18 (f) Actions taken to provide information to students
19 for the school-to-work transition pursuant to s. 1006.02.

20 (g) A guidance plan for the district.

21 (3) The department shall provide resources to district
22 school boards that may assist districts in preparing the
23 annual guidance report. The resources shall include, but are
24 not limited to, materials relating to guidance model programs,
25 training available through the department for career guidance,
26 adopted best practices, alternative guidance systems or ideas,
27 and a model district guidance plan.

28 Section 6. Paragraph (b) of subsection (2) of section
29 1012.01, Florida Statutes, is amended to read:

30 1012.01 Definitions.--Specific definitions shall be as
31 follows, and wherever such defined words or terms are used in

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1 the Florida K-20 Education Code, they shall be used as
2 follows:

3 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
4 personnel" means any staff member whose function includes the
5 provision of direct instructional services to students.
6 Instructional personnel also includes personnel whose
7 functions provide direct support in the learning process of
8 students. Included in the classification of instructional
9 personnel are:

10 (b) Student personnel services.--Student personnel
11 services include staff members responsible for: advising
12 students with regard to their abilities and aptitudes,
13 educational and occupational opportunities, and personal and
14 social adjustments; providing placement services; performing
15 educational evaluations; and similar functions. Included in
16 this classification are guidance counselors, social workers,
17 career occupational/placement specialists, and school
18 psychologists.

19 Section 7. Section 1011.80, Florida Statutes, is
20 amended to read:

21 1011.80 Funds for operation of workforce adult
22 ~~technical~~ education programs.--

23 (1) As used in this section, the terms "workforce
24 ~~development~~ education" and "workforce education ~~development~~
25 program" include:

26 (a) Adult general education programs designed to
27 improve the employability skills of the state's workforce as
28 defined in s. 1004.02(3) ~~s.-1004-02(5)~~.

29 (b) Career ~~and-technical~~ certificate programs, as
30 defined in s. 1004.02(21) ~~s.-1004-02(23)~~ .

31 (c) Applied technology diploma programs.

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1 (d) Continuing workforce education courses.

2 (e) Degree career technical education programs.

3 (f) Apprenticeship and preapprenticeship programs as
4 defined in s. 446.021.

5 (2) Any workforce ~~development~~ education program may be
6 conducted by a community college or a school district, except
7 that college credit in an associate in applied science or an
8 associate in science degree may be awarded only by a community
9 college. However, if an associate in applied science or an
10 associate in science degree program contains within it an
11 occupational completion point that confers a certificate or an
12 applied technology diploma, that portion of the program may be
13 conducted by a school district career technical center. Any
14 instruction designed to articulate to a degree program is
15 subject to guidelines and standards adopted by the State Board
16 of Education pursuant to s. 1007.25.

17 (3) If a program for disabled adults pursuant to s.
18 1004.93 is a workforce ~~development~~ program as defined in law,
19 it must be funded as provided in this section.

20 (4) ~~The-Florida-Workforce-Development-Education-Fund~~
21 ~~is-created-to-provide-performance-based-funding-for-all~~
22 ~~workforce-development-programs,-whether-the-programs-are~~
23 ~~offered-by-a-school-district-or-a-community-college-~~ Funding
24 for all workforce ~~development~~ education programs ~~must-be-from~~
25 ~~the-Workforce-Development-Education-Fund-and~~ must be based on
26 cost categories, performance output measures, and performance
27 outcome measures.

28 (a) The cost categories must be calculated to identify
29 high-cost programs, medium-cost programs, and low-cost
30 programs. The cost analysis used to calculate and assign a
31 program of study to a cost category must include at least both

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1 direct and indirect instructional costs, consumable supplies,
2 equipment, and standard program length.

3 (b) 1. The performance output measure for career and
4 ~~technical~~ education programs of study is student completion of
5 a career ~~and-technical~~ program of study that leads to an
6 occupational completion point associated with a certificate;
7 an apprenticeship program; or a program that leads to an
8 applied technology diploma or an associate in applied science
9 or associate in science degree. Performance output measures
10 for registered apprenticeship programs shall be based on
11 program lengths that coincide with lengths established
12 pursuant to the requirements of chapter 446.

13 2. The performance output measure for an adult general
14 education course of study is measurable improvement in student
15 skills. This measure shall include improvement in literacy
16 skills, grade level improvement as measured by an approved
17 test, or attainment of a State of Florida diploma or an adult
18 high school diploma.

19 (c) The performance outcome measures for workforce
20 education programs ~~funded-through-the-Workforce-Development~~
21 ~~Education-Fund~~ are associated with placement and retention of
22 students after reaching a completion point or completing a
23 program of study. These measures include placement or
24 retention in employment that is related to the program of
25 study; placement into or retention in employment in an
26 occupation on the Workforce Estimating Conference list of
27 high-wage, high-skill occupations with sufficient openings, or
28 other High Wage/High Skill Program occupations as determined
29 by Workforce Florida, Inc.; and placement and retention of
30 participants or former participants in the welfare transition
31 program in employment. Continuing postsecondary education at a

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1 level that will further enhance employment is a performance
2 outcome for adult general education programs. Placement and
3 retention must be reported pursuant to ss. 1008.39 and
4 1008.43.

5 (5) State funding and student fees for workforce
6 education development instruction ~~funded-through-the-Workforce~~
7 ~~Development-Education-Fund~~ shall be established as follows:

8 (a) For a continuing workforce education course, state
9 funding shall equal 50 percent of the cost of instruction,
10 with student fees, business support, quick-response training
11 funds, or other means making up the remaining 50 percent.

12 (b) For all other workforce ~~development~~ education
13 programs ~~funded-through-the-Workforce-Development-Education~~
14 ~~Fund~~, state funding shall equal 75 percent of the average cost
15 of instruction with the remaining 25 percent made up from
16 student fees. Fees for courses within a program shall not vary
17 according to the cost of the individual program, but instead
18 shall be based on a uniform fee calculated and set at the
19 state level, as adopted by the State Board of Education,
20 unless otherwise specified in the General Appropriations Act.

21 (c) For fee-exempt students pursuant to s. 1009.25,
22 unless otherwise provided for in law, state funding shall
23 equal 100 percent of the average cost of instruction.

24 (6) (a) A school district or a community college that
25 provides workforce ~~development~~ education programs ~~funded~~
26 ~~through-the-Workforce-Development-Education-Fund~~ shall receive
27 funds in accordance with distributions for base and
28 performance funding established by the Legislature in the
29 General Appropriations Act. If the General Appropriations Act
30 does not provide for the distribution of funds, the following
31 methodology shall apply, pursuant to the following conditions:

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1 1. Base funding shall be allocated based on weighted
2 enrollment and shall not exceed 90 85 percent of the current
3 ~~fiscal-year-total-Workforce-Development-Education-Fund~~
4 ~~allocation, which shall be distributed by the Legislature in~~
5 ~~the General Appropriations Act based on a maximum of 85~~
6 ~~percent of the institution's prior year total allocation from~~
7 ~~base and performance funds.~~ The Department of Education shall
8 develop a funding process for school district workforce
9 education programs that is comparable with community college
10 workforce programs.

11 2. Performance funding shall be at least 10 45 percent
12 of the ~~current-fiscal-year-total-Workforce-Development~~
13 ~~Education-Fund~~ allocation, ~~which shall be distributed by the~~
14 ~~Legislature in the General Appropriations Act~~ based on the
15 previous fiscal year's achievement of output and outcomes in
16 accordance with formulas adopted pursuant to subsection
17 ~~(10)(9)~~. Performance funding must incorporate payments for at
18 least three levels of placements that reflect wages and
19 workforce demand. Payments for completions must not exceed 60
20 percent of the payments for placement. School districts and
21 community colleges shall be awarded funds pursuant to this
22 paragraph based on performance output data and performance
23 outcome data available in that year.

24 3. ~~If a local educational agency achieves a level of~~
25 ~~performance sufficient to generate a full allocation as~~
26 ~~authorized by the workforce development funding formula, the~~
27 ~~agency may earn performance incentive funds as appropriated~~
28 ~~for that purpose in a General Appropriations Act. If~~
29 ~~performance incentive funds are funded and awarded, these~~
30 ~~funds must be added to the local educational agency's prior~~
31 ~~year total allocation from the Workforce Development Education~~

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1 ~~Fund-and-shall-be-used-to-calculate-the-following-year's-base~~
 2 ~~funding-~~

3 (b) A program is established to assist school
 4 districts and community colleges in responding to the needs of
 5 new and expanding businesses and thereby strengthening the
 6 state's workforce and economy. The program may be funded in
 7 the General Appropriations Act. A school district or community
 8 college may expend funds under the program without regard to
 9 performance criteria set forth in subparagraph (a)2. The
 10 district or community college shall use the program to provide
 11 customized training for businesses which satisfies the
 12 requirements of s. 288.047. Business firms whose employees
 13 receive the customized training must provide 50 percent of the
 14 cost of the training. Balances remaining in the program at the
 15 end of the fiscal year shall not revert to the general fund,
 16 but shall be carried over for 1 additional year and used for
 17 the purpose of serving incumbent worker training needs of area
 18 businesses with fewer than 100 employees. Priority shall be
 19 given to businesses that must increase or upgrade their use of
 20 technology to remain competitive.

21 (7) A school district or community college that
 22 receives workforce education funds ~~earns-performance-funding~~
 23 must use the money to benefit the workforce ~~postsecondary~~
 24 ~~adult-and-technical~~ education programs it provides. The money
 25 may be used for equipment upgrades, program expansions, or any
 26 other use that would result in workforce education ~~development~~
 27 program improvement. The district school board or community
 28 college board of trustees may not withhold any portion of the
 29 performance funding for indirect costs. ~~Notwithstanding-s-~~
 30 ~~216-3517-funds-awarded-pursuant-to-this-section-may-be-carried~~
 31 ~~across-fiscal-years-and-shall-not-revert-to-any-other-fund~~

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1 ~~maintained-by-the-district-school-board-or-community-college~~
2 ~~board-of-trustees-~~

3 (8) The State Board of Education and Workforce
4 Florida, Inc., shall provide the Legislature with recommended
5 formulas, criteria, timeframes, and mechanisms for
6 distributing performance funds. The commissioner shall
7 consolidate the recommendations and develop a consensus
8 proposal for funding. The Legislature shall adopt a formula
9 and distribute the performance funds to the State Board of
10 Education for community colleges and school districts through
11 the General Appropriations Act. These recommendations shall be
12 based on formulas that would discourage low-performing or
13 low-demand programs and encourage through performance-funding
14 awards:

15 (a) Programs that prepare people to enter high-wage
16 occupations identified by the Workforce Estimating Conference
17 created by s. 216.136 and other programs as approved by
18 Workforce Florida, Inc. At a minimum, performance incentives
19 shall be calculated for adults who reach completion points or
20 complete programs that lead to specified high-wage employment
21 and to their placement in that employment.

22 (b) Programs that successfully prepare adults who are
23 eligible for public assistance, economically disadvantaged,
24 disabled, not proficient in English, or dislocated workers for
25 high-wage occupations. At a minimum, performance incentives
26 shall be calculated at an enhanced value for the completion of
27 adults identified in this paragraph and job placement of such
28 adults upon completion. In addition, adjustments may be made
29 in payments for job placements for areas of high unemployment.

30 (c) Programs that are specifically designed to be
31 consistent with the workforce needs of private enterprise and

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1 regional economic development strategies, as defined in
2 guidelines set by Workforce Florida, Inc. Workforce Florida,
3 Inc., shall develop guidelines to identify such needs and
4 strategies based on localized research of private employers
5 and economic development practitioners.

6 (d) Programs identified by Workforce Florida, Inc., as
7 increasing the effectiveness and cost efficiency of education.

8 (9) School districts shall report full-time equivalent
9 students by discipline category for the programs specified in
10 subsection (1). There shall be an annual cost analysis for the
11 school district workforce education programs that reports cost
12 by discipline category consistent with the reporting for
13 full-time equivalent students. The annual financial reports
14 submitted by the school districts must accurately report on
15 the student fee revenues by fee type according to the programs
16 specified in subsection (1). The Department of Education shall
17 develop a plan for comparable reporting of program, student,
18 facility, personnel, and financial data between the community
19 colleges and the school district workforce education programs.

20 (10)(9) A high school student dually enrolled under s.
21 1007.271 in a workforce education development program funded
22 through-the-Workforce-Development-Education-Fund-and operated
23 by a community college or school district career technical
24 center generates the amount calculated for workforce education
25 funding by-the-Workforce-Development-Education-Fund, including
26 any payment of performance funding, and the proportional share
27 of full-time equivalent enrollment generated through the
28 Florida Education Finance Program for the student's enrollment
29 in a high school. If a high school student is dually enrolled
30 in a community college program, including a program conducted
31 at a high school, the community college earns the funds

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1 generated for workforce education funding, through-the
2 ~~Workforce-Development-Education-Fund~~ and the school district
3 earns the proportional share of full-time equivalent funding
4 from the Florida Education Finance Program. If a student is
5 dually enrolled in a career technical center operated by the
6 same district as the district in which the student attends
7 high school, that district earns the funds generated for
8 workforce education funding through-the-Workforce-Development
9 Education-Fund and also earns the proportional share of
10 full-time equivalent funding from the Florida Education
11 Finance Program. If a student is dually enrolled in a
12 workforce education development program provided by a career
13 technical center operated by a different school district, the
14 funds must be divided between the two school districts
15 proportionally from the two funding sources. A student may not
16 be reported for funding in a dual enrollment workforce
17 education development program unless the student has completed
18 the basic skills assessment pursuant to s. 1004.91.

19 ~~(11)(10)~~ The State Board of Education may adopt rules
20 to administer this section.

21 Section 8. Subsections (1), (5), (12), and (13) of
22 section 1009.22, Florida Statutes, are amended to read:

23 1009.22 Workforce education development postsecondary
24 student fees.--

25 (1) This section applies to students enrolled in
26 workforce education development programs who are reported for
27 funding ~~through-the-Workforce-Development-Education-Fund~~,
28 except that college credit fees for the community colleges are
29 governed by s. 1009.23.

30 (5) Each district school board and community college
31 board of trustees may establish a separate fee for financial

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1 aid purposes in an additional amount of up to 10 percent of
2 the student fees collected for workforce education development
3 programs ~~funded-through-the-Workforce-Development-Education~~
4 ~~Fund~~. All fees collected shall be deposited into a separate
5 workforce education development student financial aid fee
6 trust fund of the school district or community college to
7 support students enrolled in workforce education development
8 programs. Any undisbursed balance remaining in the trust fund
9 and interest income accruing to investments from the trust
10 fund shall increase the total funds available for distribution
11 to workforce ~~development~~ education students. Awards shall be
12 based on student financial need and distributed in accordance
13 with a nationally recognized system of need analysis approved
14 by the State Board of Education. Fees collected pursuant to
15 this subsection shall be allocated in an expeditious manner.

16 (12) Any school district or community college that
17 reports students who have not paid fees in an approved manner
18 in calculations of full-time equivalent enrollments for state
19 funding purposes shall be penalized at a rate equal to 2 times
20 the value of such enrollments. Such penalty shall be charged
21 against the following year's allocation from workforce
22 education funds ~~the-Florida-Workforce-Development-Education~~
23 ~~Fund~~ or the Community College Program Fund and shall revert to
24 the General Revenue Fund. The State Board of Education shall
25 specify, in rule, approved methods of student fee payment.
26 Such methods must include, but need not be limited to, student
27 fee payment; payment through federal, state, or institutional
28 financial aid; and employer fee payments.

29 (13) Each school district and community college shall
30 report only those students who have actually enrolled in
31 instruction provided or supervised by instructional personnel

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1 under contract with the district or community college in
2 calculations of actual full-time enrollments for state funding
3 purposes. A student who has been exempted from taking a course
4 or who has been granted academic or technical credit through
5 means other than actual coursework completed at the granting
6 institution may not be calculated for enrollment in the course
7 from which the student has been exempted or for which the
8 student has been granted credit. School districts and
9 community colleges that report enrollments in violation of
10 this subsection shall be penalized at a rate equal to 2 times
11 the value of such enrollments. Such penalty shall be charged
12 against the following year's allocation from workforce
13 education funds ~~the-Workforce-Development-Education-Fund~~ and
14 shall revert to the General Revenue Fund.

15 Section 9. Section 1011.83, Florida Statutes, is
16 amended to read:

17 1011.83 Financial support of community colleges.--Each
18 community college that has been approved by the Department of
19 Education and meets the requirements of law and rules of the
20 State Board of Education shall participate in the Community
21 College Program Fund. However, funds to support workforce
22 education development programs conducted by community colleges
23 shall be provided ~~by-the-Workforce-Development-Education-Fund~~
24 pursuant to s. 1011.80.

25 Section 10. The Agency for Workforce Innovation and
26 the Council for Education Policy Research and Improvement
27 (CEPRI) shall conduct a joint study on the need for new and
28 expanded apprenticeship and other workforce education programs
29 within each workforce region. The study shall include all
30 apprenticeship programs registered pursuant to chapter 446,
31 Florida Statutes. A specific emphasis shall be placed upon

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1 apprenticeships in construction and educational programs,
2 including, but not limited to, biotechnology, information
3 technology, allied health, or other identified areas of
4 critical need. The Agency for Workforce Innovation and CEPRI
5 shall jointly submit a report of their findings and
6 recommendations by December 31, 2004, to the Governor, the
7 President of the Senate, and the Speaker of the House of
8 Representatives.

9 Section 11. Workforce education study.--

10 (1) For purposes of this section, workforce education
11 is defined as the programs referenced in s. 1011.80(1),
12 Florida Statutes.

13 (2) To assist the Legislature in providing solutions
14 to the demands for workforce education, the Commissioner of
15 Education shall convene a study group to investigate issues
16 related to workforce education in Florida. The study group
17 shall report to the commissioner and the State Board of
18 Education on or before October 1, 2004, with specific actions
19 necessary to affect the timely implementation of modifications
20 to the workforce education system in Florida. The study group
21 shall consider any relevant projects of the Council for
22 Education Policy Research and Improvement and the Office of
23 Program Policy Analysis and Government Accountability and
24 federal legislation or appropriations. Recommendations must be
25 consistent with the K-20 education performance accountability
26 system in s. 1008.31, Florida Statutes. Based on the study
27 group report, the Commissioner of Education shall report to
28 the Governor, the Speaker of the House of Representatives, and
29 the President of the Senate on or before December 1, 2004, a
30 summary of the conclusions of the study group and recommended
31 funding and statutory changes if necessary.

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1 (3) The study group shall consist of members appointed
2 by the Commissioner of Education who represent school
3 districts, community colleges, public and independent
4 universities, private postsecondary schools and colleges, the
5 Agency for Workforce Innovation, Workforce Florida, Inc., and
6 Enterprise Florida, Inc., and other members deemed appropriate
7 by the commissioner, with a majority of the membership
8 consisting of representatives of business and industry.

9 (4) The study group shall recommend an implementation
10 plan for their recommendations that shall include, but is not
11 limited to:

12 (a) A recommended funding model for workforce
13 education that encompasses both enrollment and performance.
14 The recommendations must include a process for providing for
15 growth and development of new programs to meet the demands of
16 economic development at the state, regional, and local levels.
17 Recommendations for funding should reflect consideration of
18 state funding, student fees, and federal and private funding,
19 as well as diverse needs and challenges faced by institutions.

20 (b) A recommended allocation model for workforce
21 education based on occupational completion points, literacy
22 completion points, and program length. Performance outcomes
23 should reflect program completion, job placement, and
24 successful transfer to another educational institution.
25 Performance outcomes for traditionally hard-to-serve
26 populations may be weighted based on empirical evidence.
27 Performance outcomes should encourage the expansion of
28 public-private partnerships by including the successful
29 leveraging of private resources. Performance outcomes should
30 be evaluated by examining an institution's performance over
31 time rather than its performance relative to other

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1 institutions and should be consistent regardless of the type
2 of institution offering the program.

3 (c) Recommendations to improve articulation and obtain
4 the maximum appropriate transferability of coursework between
5 components of the workforce education system and between
6 workforce education programs and advanced degrees. The
7 implementation plan shall include a review of current
8 articulation practices for workforce education, examples of
9 best practices, and specific methods to improve articulation
10 options for all students participating in workforce education.

11 (d) Recommendations for the implementation of
12 innovative programs that provide high school students with
13 work-related career-based educational opportunities.
14 Recommendations shall reflect the consideration of a broad
15 array of options, including, but not limited to, high school
16 career academies, charter technical centers,
17 industry-certified educational opportunities, and the expanded
18 use of career dual enrollment or other acceleration
19 mechanisms. Recommendations shall also include expanded
20 opportunities for partnership with business and industry to
21 ensure that all components of any recommended program are
22 relevant and appropriate to prepare students for further
23 education and employment.

24 (e) Recommendations for the implementation of
25 innovative options or expanded use of existing resources for
26 the delivery of postsecondary workforce education. These
27 options must respond to the need for access to workforce
28 education in geographic areas of high demand or unmet need or
29 to demand for programs in occupational clusters that are
30 targeted for purposes of economic development. Recommendations
31 must include, but are not limited to, consideration of the

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1 increased use of distance learning, agreements for the
2 innovative use of facilities, and other innovative
3 partnerships and programs that would improve access to
4 workforce education.

5 (f) Recommendations for improvements to guidance
6 counseling and advising to ensure that all students in the
7 K-12 system are properly informed and prepared for their
8 future careers regardless of whether they intend to train for
9 those careers in a traditional college setting or through
10 workforce education. Recommendations shall address the effect
11 of students receiving guidance and advising beginning at the
12 middle school level that balances the postsecondary academic
13 and workforce education options available to students.
14 Recommendations shall reflect a consideration of best
15 practices and innovative models for student advisement.
16 Recommendations shall also include opportunities for state and
17 local educational entities to partner with business and
18 industry to align existing guidance counseling and advising
19 resources with other agencies and organizations and to develop
20 an intensive marketing campaign to attract high school
21 students into postsecondary education programs leading to
22 careers that are of critical need to the state. The
23 recommendations shall include a timeline for implementation to
24 be completed no later than July 1, 2005.

25 (5) The Department of Education shall provide staff
26 assistance and resources to assist the study group in
27 preparing recommendations.

28 Section 12. Paragraph (a) of subsection (4) of section
29 20.18, Florida Statutes, is amended to read:

30 20.18 Department of Community Affairs.--There is
31 created a Department of Community Affairs.

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1 (4) In addition to its other powers, duties, and
2 functions, the department shall, under the general supervision
3 of the secretary and the Interdepartmental Coordinating
4 Council on Community Services, assist and encourage the
5 development of state programs by the various departments for
6 the productive use of human resources, and the department
7 shall work with other state agencies in order that together
8 they might:

9 (a) Effect the coordination, by the responsible
10 agencies of the state, of the career vocational~~;-technical~~;
11 and adult educational programs of the state in order to
12 provide the maximum use and meaningful employment of persons
13 completing courses of study from such programs;

14 Section 13. Paragraph (a) of subsection (1) and
15 subsection (5) of section 110.1099, Florida Statutes, are
16 amended to read:

17 110.1099 Education and training opportunities for
18 state employees.--

19 (1)(a) Education and training are an integral
20 component in improving the delivery of services to the
21 public. Recognizing that the application of
22 productivity-enhancing technology and practice demands
23 continuous educational and training opportunities, a state
24 employee may be authorized to receive a voucher or grant, for
25 matriculation fees, to attend work-related courses at public
26 community colleges, public career technical ~~centers~~, or public
27 universities. The department may implement the provisions of
28 this section from funds appropriated to the department for
29 this purpose. In the event insufficient funds are appropriated
30 to the department, each state agency may supplement these
31 funds to support the training and education needs of its

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1 employees from funds appropriated to the agency.

2 (5) The Department of Management Services, in
3 consultation with the agencies and, to the extent applicable,
4 with Florida's public community colleges, public career
5 ~~technical~~ centers, and public universities, shall adopt rules
6 to administer this section.

7 Section 14. Subsection (3) of section 112.19, Florida
8 Statutes, as amended by section 1 of chapter 2002-191, Laws of
9 Florida, is amended to read:

10 112.19 Law enforcement, correctional, and correctional
11 probation officers; death benefits.--

12 (3) If a law enforcement, correctional, or
13 correctional probation officer is accidentally killed as
14 specified in paragraph (2)(b) on or after June 22, 1990, or
15 unlawfully and intentionally killed as specified in paragraph
16 (2)(c) on or after July 1, 1980, the state shall waive certain
17 educational expenses that the child or spouse of the deceased
18 officer incurs while obtaining a career vocational-technical
19 certificate, an undergraduate education, or a postgraduate
20 education. The amount waived by the state shall be an amount
21 equal to the cost of tuition and matriculation and
22 registration fees for a total of 120 credit hours. The child
23 or spouse may attend a state career center
24 ~~vocational-technical-school~~, a state community college, or a
25 state university. The child or spouse may attend any or all of
26 the institutions specified in this subsection, on either a
27 full-time or part-time basis. The benefits provided to a child
28 under this subsection shall continue until the child's 25th
29 birthday. The benefits provided to a spouse under this
30 subsection must commence within 5 years after the death
31 occurs, and entitlement thereto shall continue until the 10th

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1 anniversary of that death.

2 (a) Upon failure of any child or spouse benefited by
3 the provisions of this subsection to comply with the ordinary
4 and minimum requirements of the institution attended, both as
5 to discipline and scholarship, the benefits shall be withdrawn
6 as to the child or spouse and no further moneys may be
7 expended for the child's or spouse's benefits so long as such
8 failure or delinquency continues.

9 (b) Only a student in good standing in his or her
10 respective institution may receive the benefits thereof.

11 (c) A child or spouse receiving benefits under this
12 subsection must be enrolled according to the customary rules
13 and requirements of the institution attended.

14 Section 15. Subsection (3) of section 112.19, Florida
15 Statutes, as amended by section 1 of chapter 2002-232, Laws of
16 Florida, as amended by section 9 of chapter 2003-1, Laws of
17 Florida, is amended to read:

18 112.19 Law enforcement, correctional, and correctional
19 probation officers; death benefits.--

20 (3) If a law enforcement, correctional, or
21 correctional probation officer is accidentally killed as
22 specified in paragraph (2)(b) on or after June 22, 1990, or
23 unlawfully and intentionally killed as specified in paragraph
24 (2)(c) on or after July 1, 1980, the state shall waive certain
25 educational expenses that children of the deceased officer
26 incur while obtaining a career vocational-technical
27 certificate, an undergraduate education, or a graduate or
28 postbaccalaureate professional degree. The amount waived by
29 the state shall be an amount equal to the cost of tuition,
30 matriculation, and other statutorily authorized fees for a
31 total of 120 credit hours for a career vocational-technical

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1 certificate or an undergraduate education. For a child
2 pursuing a graduate or postbaccalaureate professional degree,
3 the amount waived shall equal the cost of matriculation and
4 other statutorily authorized fees incurred while the child
5 continues to fulfill the professional requirements associated
6 with the graduate or postbaccalaureate professional degree
7 program, and eligibility continues until the child's 29th
8 birthday. The child may attend a state career center
9 ~~vocational-technical-school~~, a state community college, or a
10 state university. The child may attend any or all of the
11 institutions specified in this subsection, on either a
12 full-time or part-time basis. For a child pursuing a career
13 ~~vocational-technical~~ certificate or an undergraduate
14 education, the benefits provided under this subsection shall
15 continue to the child until the child's 25th birthday. To be
16 eligible for the benefits provided under this subsection for
17 enrollment in a graduate or postbaccalaureate professional
18 degree program, the child must be a state resident, as defined
19 in s. 1009.21, at the time of enrollment.

20 (a) Upon failure of any child benefited by the
21 provisions of this section to comply with the ordinary and
22 minimum requirements of the institution attended, both as to
23 discipline and scholarship, the benefits shall be withdrawn as
24 to the child and no further moneys may be expended for the
25 child's benefits so long as such failure or delinquency
26 continues.

27 (b) Only a student in good standing in his or her
28 respective institution may receive the benefits thereof.

29 (c) A child receiving benefits under this section must
30 be enrolled according to the customary rules and requirements
31 of the institution attended.

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1 Section 16. Subsection (3) of section 112.191, Florida
2 Statutes, as amended by section 2 of chapter 2002-191, Laws of
3 Florida, is amended to read:

4 112.191 Firefighters; death benefits.--

5 (3) If a firefighter is accidentally killed as
6 specified in paragraph (2) (b) on or after June 22, 1990, or
7 unlawfully and intentionally killed as specified in paragraph
8 (2) (c), on or after July 1, 1980, the state shall waive
9 certain educational expenses that the child or spouse of the
10 deceased firefighter incurs while obtaining a career
11 ~~vocational-technical~~ certificate, an undergraduate education,
12 or a postgraduate education. The amount waived by the state
13 shall be an amount equal to the cost of tuition and
14 matriculation and registration fees for a total of 120 credit
15 hours. The child or spouse may attend a state career center
16 ~~vocational-technical-school~~, a state community college, or a
17 state university. The child or spouse may attend any or all of
18 the institutions specified in this subsection, on either a
19 full-time or part-time basis. The benefits provided to a child
20 under this subsection shall continue until the child's 25th
21 birthday. The benefits provided to a spouse under this
22 subsection must commence within 5 years after the death
23 occurs, and entitlement thereto shall continue until the 10th
24 anniversary of that death.

25 (a) Upon failure of any child or spouse benefited by
26 the provisions of this subsection to comply with the ordinary
27 and minimum requirements of the institution attended, both as
28 to discipline and scholarship, the benefits thereof shall be
29 withdrawn as to the child or spouse and no further moneys
30 expended for the child's or spouse's benefits so long as such
31 failure or delinquency continues.

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1 (b) Only students in good standing in their respective
2 institutions shall receive the benefits thereof.

3 (c) A child or spouse receiving benefits under this
4 subsection must be enrolled according to the customary rules
5 and requirements of the institution attended.

6 Section 17. Subsection (3) of section 112.191, Florida
7 Statutes, as amended by section 2 of chapter 2002-232, Laws of
8 Florida, as amended by section 10 of chapter 2003-1, Laws of
9 Florida, is amended to read:

10 112.191 Firefighters; death benefits.--

11 (3) If a firefighter is accidentally killed as
12 specified in paragraph (2)(b) on or after June 22, 1990, or
13 unlawfully and intentionally killed as specified in paragraph
14 (2)(c), on or after July 1, 1980, the state shall waive
15 certain educational expenses that children of the deceased
16 firefighter incur while obtaining a career
17 ~~vocational-technical~~ certificate, an undergraduate education,
18 or a graduate or postbaccalaureate professional degree. The
19 amount waived by the state shall be an amount equal to the
20 cost of tuition, matriculation, and other statutorily
21 authorized fees for a total of 120 credit hours for a career
22 ~~vocational-technical~~ certificate or an undergraduate
23 education. For a child pursuing a graduate or
24 postbaccalaureate professional degree, the amount waived shall
25 equal the cost of matriculation and other statutorily
26 authorized fees incurred while the child continues to fulfill
27 the professional requirements associated with the graduate or
28 postbaccalaureate professional degree program, and eligibility
29 continues until the child's 29th birthday. The child may
30 attend a state career center ~~vocational-technical-school~~, a
31 state community college, or a state university. The child may

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1 attend any or all of the institutions specified in this
2 subsection, on either a full-time or part-time basis. For a
3 child pursuing a career ~~vocational-technical~~ certificate or an
4 undergraduate education, the benefits provided under this
5 subsection shall continue to such a child until the child's
6 25th birthday. To be eligible for the benefits provided under
7 this subsection for enrollment in a graduate or
8 postbaccalaureate professional degree program, the child must
9 be a state resident, as defined in s. 1009.21, at the time of
10 enrollment.

11 (a) Upon failure of any child benefited by the
12 provisions of this section to comply with the ordinary and
13 minimum requirements of the institution attended, both as to
14 discipline and scholarship, the benefits thereof shall be
15 withdrawn as to the child and no further moneys expended for
16 the child's benefits so long as such failure or delinquency
17 continues.

18 (b) Only students in good standing in their respective
19 institutions shall receive the benefits thereof.

20 (c) All children receiving benefits under this section
21 shall be enrolled according to the customary rules and
22 requirements of the institution attended.

23 Section 18. Paragraph (d) of subsection (3) of section
24 112.1915, Florida Statutes, is amended to read:

25 112.1915 Teachers and school administrators; death
26 benefits.--Any other provision of law to the contrary
27 notwithstanding:

28 (3) If a teacher or school administrator dies under
29 the conditions in subsection (2), benefits shall be provided
30 as follows:

31 (d) Waiver of certain educational expenses which

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1 children of the deceased teacher or school administrator incur
2 while obtaining a career ~~vocational-technical~~ certificate or
3 an undergraduate education shall be according to conditions
4 set forth in this paragraph. The amount waived by the state
5 shall be an amount equal to the cost of tuition and
6 matriculation and registration fees for a total of 120 credit
7 hours at a university. The child may attend a state career
8 center ~~vocational-technical-school~~, a state community college,
9 or a state university. The child may attend any or all of the
10 institutions specified in this paragraph, on either a
11 full-time or part-time basis. The benefits provided under this
12 paragraph shall continue to the child until the child's 25th
13 birthday.

14 1. Upon failure of any child benefited by the
15 provisions of this paragraph to comply with the ordinary and
16 minimum requirements of the institution attended, both as to
17 discipline and scholarship, the benefits shall be withdrawn as
18 to the child and no further moneys may be expended for the
19 child's benefits so long as such failure or delinquency
20 continues.

21 2. A student who becomes eligible for benefits under
22 the provisions of this paragraph while enrolled in an
23 institution must be in good standing with the institution to
24 receive the benefits provided herein.

25 3. A child receiving benefits under this paragraph
26 must be enrolled according to the customary rules and
27 requirements of the institution attended.

28 Section 19. Subsection (3) of section 238.01, Florida
29 Statutes, is amended to read:

30 238.01 Definitions.--The following words and phrases
31 as used in this chapter shall have the following meanings

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1 unless a different meaning is plainly required by the context:

2 (3) "Teacher" means any member of the teaching or
3 professional staff and any certificated employee of any public
4 free school, of any district school system and career center
5 ~~vocational-school~~, any member of the teaching or professional
6 staff of the Florida School for the Deaf and Blind, child
7 training schools of the Department of Juvenile Justice, the
8 Department of Corrections, and any tax-supported institution
9 of higher learning of the state, and any member and any
10 certified employee of the Department of Education, any
11 certified employee of the retirement system, any full-time
12 employee of any nonprofit professional association or
13 corporation of teachers functioning in Florida on a statewide
14 basis, which seeks to protect and improve public school
15 opportunities for children and advance the professional and
16 welfare status of its members, any person now serving as
17 superintendent, or who was serving as county superintendent of
18 public instruction on July 1, 1939, and any hereafter duly
19 elected or appointed superintendent, who holds a valid Florida
20 teachers' certificate. In all cases of doubt the Department of
21 Management Services shall determine whether any person is a
22 teacher as defined herein.

23 Section 20. Paragraph (b) of subsection (7), paragraph
24 (c) of subsection (8), and paragraph (b) of subsection (9) of
25 section 250.10, Florida Statutes, are amended to read:

26 250.10 Appointment and duties of the Adjutant
27 General.--

28 (7) The Adjutant General and the State Board of
29 Education shall develop education assistance programs for
30 members in good standing of the active Florida National Guard
31 who enroll in a public institution of higher learning in the

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1 state.

2 (b) The programs shall define those members of the
3 active Florida National Guard who are ineligible to
4 participate in the program and those courses of study which
5 are not authorized for the program.

6 1. Such members include, but are not limited to:

7 a. Any member, commissioned officer, warrant officer,
8 or enlisted person who has a baccalaureate degree.

9 b. Any member who has 15 years or more of total
10 military service creditable toward retirement.

11 c. Any member who has not completed basic military
12 training.

13 2. Courses not authorized include noncredit courses,
14 courses that do not meet degree requirements, or courses that
15 do not meet requirements for completion of career
16 ~~vocational-technical~~ training.

17 (8) The Department of Military Affairs may administer
18 a tuition exemption program, known as the State Tuition
19 Exemption Program (STEP), for members of the Florida National
20 Guard who qualify pursuant to subsection (7).

21 (c) Courses not authorized include noncredit courses,
22 courses that do not meet degree requirements, or courses that
23 do not meet requirements for completing career
24 ~~vocational-technical~~ training.

25 (9) Subject to appropriations, the Department of
26 Military Affairs may pay the full cost of tuition and fees for
27 required courses for members of the Florida National Guard who
28 enlist after June 30, 1997. This program shall be known as the
29 Educational Dollars for Duty program (EDD) and is the primary
30 program for these members.

31 (b) Courses not authorized include noncredit courses,

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1 | courses that do not meet the degree requirements, or courses
2 | that do not meet requirements for completing career
3 | ~~vocational-technical~~ training.

4 | Section 21. Subsection (1) of section 250.482, Florida
5 | Statutes, is amended to read:

6 | 250.482 Troops ordered into state active service; not
7 | to be penalized by employers and postsecondary institutions.--

8 | (1) If a member of the Florida National Guard is
9 | ordered into state active duty pursuant to this chapter, a
10 | private or public employer, or an employing or appointing
11 | authority of this state, its counties, school districts,
12 | municipalities, political subdivisions, career centers
13 | ~~vocational-or-technical-schools~~, community colleges, or
14 | universities, may not discharge, reprimand, or in any other
15 | way penalize such member because of his or her absence by
16 | reason of state active duty.

17 | Section 22. Subsection (3) of section 288.047, Florida
18 | Statutes, is amended to read:

19 | 288.047 Quick-response training for economic
20 | development.--

21 | (3) Requests for funding through the Quick-Response
22 | Training Program may be produced through inquiries from a
23 | specific business or industry, inquiries from a school
24 | district director of career education or community college
25 | occupational dean on behalf of a business or industry, or
26 | through official state or local economic development efforts.
27 | In allocating funds for the purposes of the program, Workforce
28 | Florida, Inc., shall establish criteria for approval of
29 | requests for funding and shall select the entity that provides
30 | the most efficient, cost-effective instruction meeting such
31 | criteria. Program funds may be allocated to any career area

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1 ~~technical~~ center, community college, or state university.
2 Program funds may be allocated to private postsecondary
3 institutions only upon a review that includes, but is not
4 limited to, accreditation and licensure documentation and
5 prior approval by Workforce Florida, Inc. Instruction funded
6 through the program must terminate when participants
7 demonstrate competence at the level specified in the request;
8 however, the grant term may not exceed 24 months. Costs and
9 expenditures for the Quick-Response Training Program must be
10 documented and separated from those incurred by the training
11 provider.

12 Section 23. Subsection (1) of section 288.9511,
13 Florida Statutes, is amended to read:

14 288.9511 Definitions.--As used in ss.
15 288.9511-288.9517, the term:

16 (1) "Educational institutions" means Florida career
17 centers ~~technical-institutes-and-vocational-schools~~, and
18 public and private community colleges, colleges, and
19 universities in the state.

20 Section 24. Subsection (1) of section 292.05, Florida
21 Statutes, is amended to read:

22 292.05 Duties of Department of Veterans' Affairs.--
23 (1) The Department of Veterans' Affairs shall provide
24 assistance to all former, present, and future members of the
25 Armed Forces of the United States and their dependents in
26 preparing claims for and securing such compensation,
27 hospitalization, career ~~vocational~~ training, and other
28 benefits or privileges to which such persons or any of them
29 are or may become entitled under any federal or state law or
30 regulation by reason of their service in the Armed Forces of
31 the United States. All services rendered under this

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1 subsection shall be without charge to the claimant.

2 Section 25. Section 292.10, Florida Statutes, is
3 amended to read:

4 292.10 Local governing bodies authorized to assist war
5 veterans; powers.--The board of county commissioners of each
6 county and the governing body of each city in the state are
7 hereby granted full and complete power and authority to aid
8 and assist wherever practical and feasible the veterans, male
9 and female, who have served in the Armed Forces of the United
10 States in any war and received an honorable discharge from any
11 branch of the military service of the United States, and their
12 dependents, in presenting claims for and securing such
13 compensation, hospitalization, education, loans, career
14 ~~vocational~~ training, and other benefits or privileges to which
15 said veterans, or any of them, are or may become entitled
16 under any federal or state law or regulation by reason of
17 their service in the Armed Forces of the United States.

18 Section 26. Section 295.02, Florida Statutes, is
19 amended to read:

20 295.02 Use of funds; age, etc.--All sums appropriated
21 and expended under this chapter shall be used to pay tuition
22 and registration fees, board, and room rent and to buy books
23 and supplies for the children of deceased or disabled veterans
24 or service members, as defined and limited in s. 295.01, s.
25 295.016, s. 295.017, s. 295.018, or s. 295.0195, or of parents
26 classified as prisoners of war or missing in action, as
27 defined and limited in s. 295.015, who are between the ages of
28 16 and 22 years and who are in attendance at a state-supported
29 institution of higher learning, including a community college
30 or career center ~~vocational-technical-school~~. Any child having
31 entered upon a course of training or education under the

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1 provisions of this chapter, consisting of a course of not more
2 than 4 years, and arriving at the age of 22 years before the
3 completion of such course may continue the course and receive
4 all benefits of the provisions of this chapter until the
5 course is completed. The Department of Education shall
6 administer this educational program subject to regulations of
7 the department.

8 Section 27. Subsections (1) and (2) of section
9 295.125, Florida Statutes, are amended to read:

10 295.125 Preference for admission to career vocational
11 training.--

12 (1) It is the intent of the Legislature through
13 enactment of this section to assist returning veterans of the
14 Southeast Asian conflict to train themselves for a civilian
15 future. Although the provisions of this section apply only to
16 state-supported career center vocational-technical facilities
17 and programs, it is the further intent of the Legislature to
18 encourage privately supported career vocational-technical
19 ~~schools-and~~ centers to join with the state in assisting our
20 returning veterans by providing preferences for them in
21 admission procedures and standards.

22 (2) In determining order of admission or acceptance
23 for students, every career vocational-training center,
24 ~~vocational-technical-school,~~ or career vocational program
25 which receives state funding or support shall give preference
26 as provided in subsection (3) to a person who served in the
27 Armed Forces of the United States at any time during the
28 Vietnam Era, as defined in s. 1.01(14), and who has been
29 separated therefrom under honorable conditions, if such
30 person's enrollment is directly related to his or her present
31 employment or to his or her securing employment.

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1 Section 28. Paragraph (d) of subsection (3) of section
2 339.0805, Florida Statutes, is amended to read:

3 339.0805 Funds to be expended with certified
4 disadvantaged business enterprises; specified percentage to be
5 expended; construction management development program; bond
6 guarantee program.--It is the policy of the state to
7 meaningfully assist socially and economically disadvantaged
8 business enterprises through a program that will provide for
9 the development of skills through construction and business
10 management training, as well as by providing contracting
11 opportunities and financial assistance in the form of bond
12 guarantees, to primarily remedy the effects of past economic
13 disparity.

14 (3) The head of the department is authorized to expend
15 up to 6 percent of the funds specified in subsection (1) which
16 are designated to be expended on small business firms owned
17 and controlled by socially and economically disadvantaged
18 individuals to conduct, by contract or otherwise, a
19 construction management development program. Participation in
20 the program will be limited to those firms which are certified
21 under the provisions of subsection (1) by the department or
22 the federal Small Business Administration or to any firm which
23 has annual gross receipts not exceeding \$2 million averaged
24 over a 3-year period. The program will consist of classroom
25 instruction and on-the-job instruction. To the extent
26 feasible, the registration fee shall be set to cover the cost
27 of instruction and overhead. No salary will be paid to any
28 participant.

29 (d) The department shall develop, under contract with
30 the State University System, the community college system, a
31 school district in behalf of its career vocational-technical

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1 center, or a private consulting firm, a curriculum for
2 instruction in the courses that will lead to a certification
3 of proficiency in the construction management development
4 program.

5 Section 29. Subsection (7) of section 364.508, Florida
6 Statutes, is amended to read:

7 364.508 Definitions.--As used in this part:

8 (7) "Eligible facilities" means all approved campuses
9 and instructional centers of all public universities, public
10 community colleges, career area-technical centers, public
11 elementary schools, middle schools, and high schools,
12 including school administrative offices, public libraries,
13 teaching hospitals, the research institute described in s.
14 1004.43, and rural public hospitals as defined in s. 395.602.
15 If no rural public hospital exists in a community, the public
16 health clinic which is responsible for individuals before they
17 can be transferred to a regional hospital shall be considered
18 eligible.

19 Section 30. Section 376.0705, Florida Statutes, is
20 amended to read:

21 376.0705 Development of training programs and
22 educational materials.--The department shall encourage the
23 development of training programs for personnel needed for
24 pollutant discharge prevention and cleanup activities. The
25 department shall work with accredited community colleges,
26 career vocational-technical-centers, state universities, and
27 private institutions in developing educational materials,
28 courses of study, and other such information to be made
29 available for persons seeking to be trained for pollutant
30 discharge prevention and cleanup activities.

31 Section 31. Paragraph (k) of subsection (3) of section

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1 380.0651, Florida Statutes, is amended to read:

2 380.0651 Statewide guidelines and standards.--

3 (3) The following statewide guidelines and standards
4 shall be applied in the manner described in s. 380.06(2) to
5 determine whether the following developments shall be required
6 to undergo development-of-regional-impact review:

7 (k) Schools.--

8 1. The proposed construction of any public, private,
9 or proprietary postsecondary educational campus which provides
10 for a design population of more than 5,000 full-time
11 equivalent students, or the proposed physical expansion of any
12 public, private, or proprietary postsecondary educational
13 campus having such a design population that would increase the
14 population by at least 20 percent of the design population.

15 2. As used in this paragraph, "full-time equivalent
16 student" means enrollment for 15 or more quarter hours during
17 a single academic semester. In career centers ~~technical~~
18 ~~schools~~ or other institutions which do not employ semester
19 hours or quarter hours in accounting for student
20 participation, enrollment for 18 contact hours shall be
21 considered equivalent to one quarter hour, and enrollment for
22 27 contact hours shall be considered equivalent to one
23 semester hour.

24 3. This paragraph does not apply to institutions which
25 are the subject of a campus master plan adopted by the
26 university board of trustees pursuant to s. 1013.30.

27 Section 32. Paragraph (d) of subsection (2) of section
28 402.305, Florida Statutes, is amended to read:

29 402.305 Licensing standards; child care facilities.--

30 (2) PERSONNEL.--Minimum standards for child care
31 personnel shall include minimum requirements as to:

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1 (d) Minimum training requirements for child care
2 personnel.

3 1. Such minimum standards for training shall ensure
4 that all child care personnel take an approved 40-clock-hour
5 introductory course in child care, which course covers at
6 least the following topic areas:

7 a. State and local rules and regulations which govern
8 child care.

9 b. Health, safety, and nutrition.

10 c. Identifying and reporting child abuse and neglect.

11 d. Child development, including typical and atypical
12 language, cognitive, motor, social, and self-help skills
13 development.

14 e. Observation of developmental behaviors, including
15 using a checklist or other similar observation tools and
16 techniques to determine the child's developmental age level.

17 f. Specialized areas, including computer technology
18 for professional and classroom use and early literacy and
19 language development of children from birth to 5 years of age,
20 as determined by the department, for owner-operators and child
21 care personnel of a child care facility.

22
23 Within 90 days after employment, child care personnel shall
24 begin training to meet the training requirements. Child care
25 personnel shall successfully complete such training within 1
26 year after the date on which the training began, as evidenced
27 by passage of a competency examination. Successful completion
28 of the 40-clock-hour introductory course shall articulate into
29 community college credit in early childhood education,
30 pursuant to ss. 1007.24 and 1007.25. Exemption from all or a
31 portion of the required training shall be granted to child

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1 care personnel based upon educational credentials or passage
2 of competency examinations. Child care personnel possessing a
3 2-year degree or higher that includes 6 college credit hours
4 in early childhood development or child growth and
5 development, or a child development associate credential or an
6 equivalent state-approved child development associate
7 credential, or a child development associate waiver
8 certificate shall be automatically exempted from the training
9 requirements in sub-subparagraphs b., d., and e.

10 2. The introductory course in child care shall stress,
11 to the extent possible, an interdisciplinary approach to the
12 study of children.

13 3. On an annual basis in order to further their child
14 care skills and, if appropriate, administrative skills, child
15 care personnel who have fulfilled the requirements for the
16 child care training shall be required to take an additional 1
17 continuing education unit of approved inservice training, or
18 10 clock hours of equivalent training, as determined by the
19 department.

20 4. Child care personnel shall be required to complete
21 0.5 continuing education unit of approved training or 5 clock
22 hours of equivalent training, as determined by the department,
23 in early literacy and language development of children from
24 birth to 5 years of age one time. The year that this training
25 is completed, it shall fulfill the 0.5 continuing education
26 unit or 5 clock hours of the annual training required in
27 subparagraph 3.

28 5. Procedures for ensuring the training of qualified
29 child care professionals to provide training of child care
30 personnel, including onsite training, shall be included in the
31 minimum standards. It is recommended that the state community

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1 child care coordination agencies (central agencies) be
2 contracted by the department to coordinate such training when
3 possible. Other district educational resources, such as
4 community colleges and career vocational-technical programs,
5 can be designated in such areas where central agencies may not
6 exist or are determined not to have the capability to meet the
7 coordination requirements set forth by the department.

8 6. Training requirements shall not apply to certain
9 occasional or part-time support staff, including, but not
10 limited to, swimming instructors, piano teachers, dance
11 instructors, and gymnastics instructors.

12 7. The department shall evaluate or contract for an
13 evaluation for the general purpose of determining the status
14 of and means to improve staff training requirements and
15 testing procedures. The evaluation shall be conducted every 2
16 years. The evaluation shall include, but not be limited to,
17 determining the availability, quality, scope, and sources of
18 current staff training; determining the need for specialty
19 training; and determining ways to increase inservice training
20 and ways to increase the accessibility, quality, and
21 cost-effectiveness of current and proposed staff training. The
22 evaluation methodology shall include a reliable and valid
23 survey of child care personnel.

24 8. The child care operator shall be required to take
25 basic training in serving children with disabilities within 5
26 years after employment, either as a part of the introductory
27 training or the annual 8 hours of inservice training.

28 Section 33. Subsections (3) and (4) of section
29 402.3051, Florida Statutes, are amended to read:

30 402.3051 Child care market rate reimbursement; child
31 care grants.--

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1 (3) The department may provide child care grants to
2 central agencies, community colleges, and career
3 ~~vocational/technical~~ programs for the purpose of providing
4 support and technical assistance to licensed child care
5 providers.

6 (4) The department may use the state community child
7 care coordination agencies (central agencies), community
8 colleges, and career ~~vocational/technical~~ programs to
9 implement this section.

10 Section 34. Subsection (2) of section 403.716, Florida
11 Statutes, is amended to read:

12 403.716 Training of operators of solid waste
13 management and other facilities.--

14 (2) The department shall work with accredited
15 community colleges, career ~~vocational-technical~~ centers, state
16 universities, and private institutions in developing
17 educational materials, courses of study, and other such
18 information to be made available for persons seeking to be
19 trained as operators of solid waste management facilities.

20 Section 35. Subsection (8) of section 414.0252,
21 Florida Statutes, is amended to read:

22 414.0252 Definitions.--As used in ss. 414.025-414.55,
23 the term:

24 (8) "Minor child" means a child under 18 years of age,
25 or under 19 years of age if the child is a full-time student
26 in a secondary school or at the equivalent level of career
27 ~~vocational-or-technical~~ training, and does not include anyone
28 who is married or divorced.

29 Section 36. Subsection (11) of section 420.0004,
30 Florida Statutes, is amended to read:

31 420.0004 Definitions.--As used in this part, unless

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1 the context otherwise indicates:

2 (11) "Student" means any person not living with his or
3 her parent or guardian who is eligible to be claimed by his or
4 her parent or guardian as a dependent under the federal income
5 tax code and who is enrolled on at least a half-time basis in
6 a secondary school, career ~~vocational-technical~~ center,
7 community college, college, or university.

8 Section 37. Subsection (5) of section 420.524, Florida
9 Statutes, is amended to read:

10 420.524 Definitions relating to Predevelopment Loan
11 Program Act.--For the purpose of ss. 420.521-420.529, the
12 term:

13 (5) "Student" means any person not living with that
14 person's parent or guardian who is eligible to be claimed by
15 that person's parent or guardian as a dependent under the
16 federal income tax code and who is enrolled on at least a
17 half-time basis in a secondary school, career
18 ~~vocational-technical~~-center, community college, college, or
19 university. The term does not include a person participating
20 in an educational or training program approved by the
21 corporation.

22 Section 38. Subsection (11) of section 420.602,
23 Florida Statutes, is amended to read:

24 420.602 Definitions.--As used in this part, the
25 following terms shall have the following meanings, unless the
26 context otherwise requires:

27 (11) "Student" means any person not living with his or
28 her parent or guardian who is eligible to be claimed by his or
29 her parent or guardian as a dependent under the federal income
30 tax code and who is enrolled on at least a half-time basis in
31 a secondary school, career ~~vocational-technical~~ center,

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1 community college, college, or university.

2 Section 39. Paragraph (c) of subsection (1) of section
3 440.16, Florida Statutes, is amended to read:

4 440.16 Compensation for death.--

5 (1) If death results from the accident within 1 year
6 thereafter or follows continuous disability and results from
7 the accident within 5 years thereafter, the employer shall
8 pay:

9 (c) To the surviving spouse, payment of postsecondary
10 student fees for instruction at any career area-technical
11 center established under s. 1001.44 for up to 1,800 classroom
12 hours or payment of student fees at any community college
13 established under part III of chapter 1004 for up to 80
14 semester hours. The spouse of a deceased state employee shall
15 be entitled to a full waiver of such fees as provided in ss.
16 1009.22 and 1009.23 in lieu of the payment of such fees. The
17 benefits provided for in this paragraph shall be in addition
18 to other benefits provided for in this section and shall
19 terminate 7 years after the death of the deceased employee, or
20 when the total payment in eligible compensation under
21 paragraph(b) has been received. To qualify for the
22 educational benefit under this paragraph, the spouse shall be
23 required to meet and maintain the regular admission
24 requirements of, and be registered at, such career area
25 ~~technical~~ center or community college, and make satisfactory
26 academic progress as defined by the educational institution in
27 which the student is enrolled.

28 Section 40. Subsection (4) of section 443.171, Florida
29 Statutes, is amended to read:

30 443.171 Agency for Workforce Innovation and
31 commission; powers and duties; records and reports;

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1 proceedings; state-federal cooperation.--

2 (4) EMPLOYMENT STABILIZATION.--The Agency for
3 Workforce Innovation, under the direction of Workforce
4 Florida, Inc., shall take all appropriate steps to reduce and
5 prevent unemployment; to encourage and assist in the adoption
6 of practical methods of career vocational training,
7 retraining, and career vocational guidance; to investigate,
8 recommend, advise, and assist in the establishment and
9 operation, by municipalities, counties, school districts, and
10 the state, of reserves for public works to be used in times of
11 business depression and unemployment; to promote the
12 reemployment of the unemployed workers throughout the state in
13 every other way that may be feasible; to refer any claimant
14 entitled to extended benefits to suitable work which meets the
15 criteria of this chapter; and, to these ends, to carry on and
16 publish the results of investigations and research studies.

17 Section 41. Subsection (2) of section 445.003, Florida
18 Statutes, is amended to read:

19 445.003 Implementation of the federal Workforce
20 Investment Act of 1998.--

21 (2) FIVE-YEAR PLAN.--Workforce Florida, Inc., shall
22 prepare and submit a 5-year plan, which includes secondary
23 career vocational education, to fulfill the early
24 implementation requirements of Pub. L. No. 105-220 and
25 applicable state statutes. Mandatory federal partners and
26 optional federal partners shall be fully involved in designing
27 the plan's one-stop delivery system strategy. The plan shall
28 detail a process to clearly define each program's statewide
29 duties and role relating to the system. Any optional federal
30 partner may immediately choose to fully integrate its
31 program's plan with this plan, which shall, notwithstanding

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1 any other state provisions, fulfill all their state planning
2 and reporting requirements as they relate to the one-stop
3 delivery system. The plan shall detail a process that would
4 fully integrate all federally mandated and optional partners
5 by the second year of the plan. All optional federal program
6 partners in the planning process shall be mandatory
7 participants in the second year of the plan.

8 Section 42. Paragraphs (b) and (d) of subsection (6)
9 of section 445.004, Florida Statutes, are amended to read:

10 445.004 Workforce Florida, Inc.; creation; purpose;
11 membership; duties and powers.--

12 (6) Workforce Florida, Inc., may take action that it
13 deems necessary to achieve the purposes of this section,
14 including, but not limited to:

15 (b) Establishing policy direction for a funding system
16 that provides incentives to improve the outcomes of career
17 ~~vocational~~ education programs, and of registered
18 apprenticeship and work-based learning programs, and that
19 focuses resources on occupations related to new or emerging
20 industries that add greatly to the value of the state's
21 economy.

22 (d) Designating Institutes of Applied Technology
23 composed of public and private postsecondary institutions
24 working together with business and industry to ensure that
25 career technical-and-vocational education programs use the
26 most advanced technology and instructional methods available
27 and respond to the changing needs of business and industry.

28 Section 43. Paragraph (f) of subsection (8) of section
29 445.009, Florida Statutes, is amended to read:

30 445.009 One-stop delivery system.--

31 (8)

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1 (f) The accountability measures to be used in
2 documenting competencies acquired by the participant during
3 training shall be literacy completion points and occupational
4 completion points. Literacy completion points refers to the
5 academic or workforce readiness competencies that qualify a
6 person for further basic education, career vocational
7 education, or for employment. Occupational completion points
8 refers to the career vocational competencies that qualify a
9 person to enter an occupation that is linked to a career
10 vocational program.

11 Section 44. Subsections (5) and (9) of section
12 445.012, Florida Statutes, are amended to read:

13 445.012 Careers for Florida's Future Incentive Grant
14 Program.--

15 (5) A recipient who is pursuing a baccalaureate degree
16 shall receive \$100 for each lower-division credit hour in
17 which the student is enrolled at an eligible college or
18 university, up to a maximum of \$1,500 per semester, and \$200
19 for each upper-division credit hour in which the student is
20 enrolled at an eligible college or university, up to a maximum
21 of \$3,000 per semester. For purposes of this section, a
22 student is pursuing a baccalaureate degree if he or she is in
23 a program that articulates into a baccalaureate degree program
24 by agreement of the Articulation Coordinating Committee. A
25 student in an applied technology diploma program, a
26 certificate career education program, or a degree career
27 education program that does not articulate into a
28 baccalaureate degree program shall receive \$2 for each career
29 vocational contact hour, or the equivalent, for certificate
30 programs, or \$60 for each credit hour, or the equivalent, for
31 degree career education programs and applied technology

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1 programs for which the student is enrolled at an eligible
2 college, career technical center, or nonpublic career
3 education school.

4 (9) Funds may not be used to pay for remedial,
5 college-preparatory, or career-preparatory
6 ~~vocational-preparatory~~ coursework.

7 Section 45. Subsection (1) of section 445.0123,
8 Florida Statutes, is amended to read:

9 445.0123 Eligible postsecondary education
10 institutions.--A student is eligible for an award or the
11 renewal of an award from the Careers for Florida's Future
12 Incentive Grant Program if the student meets the requirements
13 for the program as described in ss. 445.012-445.0125 and is
14 enrolled in a postsecondary education institution that meets
15 the description of any one of the following:

16 (1) A public university, community college, or career
17 ~~technical~~ center in this state.

18 Section 46. Paragraph (g) of subsection (1) of section
19 445.024, Florida Statutes, is amended to read:

20 445.024 Work requirements.--

21 (1) WORK ACTIVITIES.--The following activities may be
22 used individually or in combination to satisfy the work
23 requirements for a participant in the temporary cash
24 assistance program:

25 (g) Career ~~Vocational~~ education or training.--Career
26 ~~Vocational~~ education or training is education or training
27 designed to provide participants with the skills and
28 certification necessary for employment in an occupational
29 area. Career ~~Vocational~~ education or training may be used as a
30 primary program activity for participants when it has been
31 determined that the individual has demonstrated compliance

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1 with other phases of program participation and successful
2 completion of the career vocational education or training is
3 likely to result in employment entry at a higher wage than the
4 participant would have been likely to attain without
5 completion of the career vocational education or training.
6 Career Vocational education or training may be combined with
7 other program activities and also may be used to upgrade
8 skills or prepare for a higher paying occupational area for a
9 participant who is employed.

10 1. Unless otherwise provided in this section, career
11 vocational education shall not be used as the primary program
12 activity for a period which exceeds 12 months. The 12-month
13 restriction applies to instruction in a career education
14 program and does not include remediation of basic skills,
15 including English language proficiency, if remediation is
16 necessary to enable a participant to benefit from a career
17 education program. Any necessary remediation must be completed
18 before a participant is referred to career vocational
19 education as the primary work activity. In addition, use of
20 career vocational education or training shall be restricted to
21 the limitation established in federal law. Career Vocational
22 education included in a program leading to a high school
23 diploma shall not be considered career vocational education
24 for purposes of this section.

25 2. When possible, a provider of career vocational
26 education or training shall use funds provided by funding
27 sources other than the regional workforce board. The regional
28 workforce board may provide additional funds to a career
29 vocational education or training provider only if payment is
30 made pursuant to a performance-based contract. Under a
31 performance-based contract, the provider may be partially paid

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1 when a participant completes education or training, but the
2 majority of payment shall be made following the participant's
3 employment at a specific wage or job retention for a specific
4 duration. Performance-based payments made under this
5 subparagraph are limited to education or training for targeted
6 occupations identified by the Workforce Estimating Conference
7 under s. 216.136, or other programs identified by Workforce
8 Florida, Inc., as beneficial to meet the needs of designated
9 groups who are hard to place. If the contract pays the full
10 cost of training, the community college or school district may
11 not report the participants for other state funding.

12 Section 47. Paragraph (i) of subsection (7) of section
13 445.049, Florida Statutes, is amended to read:

14 445.049 Digital Divide Council.--

15 (7) PROGRAM OBJECTIVES AND GOALS.--The programs
16 authorized by this section shall have the following objectives
17 and goals:

18 (i) Using information technology to enable members of
19 at-risk families who are no longer enrolled in K-12 schools to
20 obtain the education needed to achieve successful completion
21 of general education development test preparation to earn a
22 high school diploma, an applied technology diploma, a career
23 ~~vocational~~ certificate, an associate of arts degree, or a
24 baccalaureate degree.

25 Section 48. Subsection (1) of section 446.011, Florida
26 Statutes, is amended to read:

27 446.011 Legislative intent regarding apprenticeship
28 training.--

29 (1) It is the intent of the State of Florida to
30 provide educational opportunities for its young people so that
31 they can be trained for trades, occupations, and professions

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1 suited to their abilities. It is the intent of this act to
2 promote the mode of training known as apprenticeship in
3 occupations throughout industry in the state that require
4 physical manipulative skills. By broadening job training
5 opportunities and providing for increased coordination between
6 public school academic programs, career vocational programs,
7 and registered apprenticeship programs, the young people of
8 the state will benefit from the valuable training
9 opportunities developed when on-the-job training is combined
10 with academic-related classroom experiences. This act is
11 intended to develop the apparent potentials in apprenticeship
12 training by assisting in the establishment of
13 preapprenticeship programs in the public school system and
14 elsewhere and by expanding presently registered programs as
15 well as promoting new registered programs in jobs that lend
16 themselves to apprenticeship training.

17 Section 49. Subsection (2) of section 446.052, Florida
18 Statutes, is amended to read:

19 446.052 Preapprenticeship program.--

20 (2) The Division of Workforce Development of the
21 Department of Education, under regulations established by the
22 State Board of Education, is authorized to administer the
23 provisions of ss. 446.011-446.092 that relate to
24 preapprenticeship programs in cooperation with district school
25 boards and community college district boards of trustees.
26 District school boards, community college district boards of
27 trustees, and registered program sponsors shall cooperate in
28 developing and establishing programs that include career
29 ~~vocational~~ instruction and general education courses required
30 to obtain a high school diploma.

31 Section 50. Subsection (5) of section 446.22, Florida

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1 Statutes, is amended to read:

2 446.22 Definitions.--As used in this act, the
3 following words and phrases shall have the meanings set forth
4 herein, except where the context otherwise requires:

5 (5) "Educational facility" means any secondary school,
6 community college, university, or career center ~~vocational~~
7 ~~school~~ participating in the program.

8 Section 51. Paragraph (a) of subsection (2), paragraph
9 (a) of subsection (3), and paragraph (a) of subsection (4) of
10 section 475.17, Florida Statutes, are amended to read:

11 475.17 Qualifications for practice.--

12 (2)(a)1. In addition to other requirements under this
13 part, the commission may require the satisfactory completion
14 of one or more of the educational courses or equivalent
15 courses conducted, offered, sponsored, prescribed, or approved
16 pursuant to s. 475.04, taken at an accredited college,
17 university, or community college, at a career ~~an-area~~
18 ~~technical~~ center, or at a registered real estate school, as a
19 condition precedent for any person to become licensed or to
20 renew her or his license as a broker, broker associate, or
21 sales associate. The course or courses required for one to
22 become initially licensed shall not exceed a total of 63
23 classroom hours of 50 minutes each, inclusive of examination,
24 for a sales associate and 72 classroom hours of 50 minutes
25 each, inclusive of examination, for a broker. The satisfactory
26 completion of an examination administered by the accredited
27 college, university, or community college, by a career ~~the~~
28 ~~area-technical~~ center, or by the registered real estate school
29 shall be the basis for determining satisfactory completion of
30 the course. However, notice of satisfactory completion shall
31 not be issued if the student has absences in excess of 8

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1 classroom hours.

2 2. A distance learning course or courses shall be
3 approved by the commission as an option to classroom hours as
4 satisfactory completion of the course or courses as required
5 by this section. The schools authorized by this section have
6 the option of providing classroom courses, distance learning
7 courses, or both. However, satisfactory completion of a
8 distance learning course requires the satisfactory completion
9 of a timed distance learning course examination. Such
10 examination shall not be required to be monitored or given at
11 a centralized location.

12 3. Such required course or courses must be made
13 available by correspondence or other suitable means to any
14 person who, by reason of hardship, as defined by rule, cannot
15 attend the place or places where the course or courses are
16 regularly conducted or does not have access to the distance
17 learning course or courses.

18 (3)(a) The commission may prescribe a postlicensure
19 education requirement in order for a person to maintain a
20 valid sales associate's license, which shall not exceed 45
21 classroom hours of 50 minutes each, inclusive of examination,
22 prior to the first renewal following initial licensure. If
23 prescribed, this shall consist of one or more
24 commission-approved courses which total at least 45 classroom
25 hours on one or more subjects which include, but are not
26 limited to, property management, appraisal, real estate
27 finance, the economics of real estate management, marketing,
28 technology, sales and listing of properties, business office
29 management, courses teaching practical real estate application
30 skills, development of business plans, marketing of property,
31 and time management. Required postlicensure education courses

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1 must be provided by an accredited college, university, or
2 community college, by a career ~~an-area-technical~~ center, by a
3 registered real estate school, or by a commission-approved
4 sponsor.

5 (4) (a) The commission may prescribe a postlicensure
6 education requirement in order for a person to maintain a
7 valid broker's license, which shall not exceed 60 classroom
8 hours of 50 minutes each, inclusive of examination, prior to
9 the first renewal following initial licensure. If prescribed,
10 this shall consist of one or more commission-approved courses
11 which total at least 60 classroom hours on one or more
12 subjects which include, but are not limited to, advanced
13 appraisal, advanced property management, real estate
14 marketing, business law, advanced real estate investment
15 analyses, advanced legal aspects, general accounting, real
16 estate economics, syndications, commercial brokerage,
17 feasibility analyses, advanced real estate finance,
18 residential brokerage, advanced marketing, technology,
19 advanced business planning, time management, or real estate
20 brokerage office operations. Required postlicensure education
21 courses must be provided by an accredited college, university,
22 or community college, by a career ~~an-area-technical~~ center, by
23 a registered real estate school, or by a commission-approved
24 sponsor.

25 Section 52. Subsection (1) and paragraph (c) of
26 subsection (2) of section 475.451, Florida Statutes, are
27 amended to read:

28 475.451 Schools teaching real estate practice.--

29 (1) Each person, school, or institution, except
30 approved and accredited colleges, universities, community
31 colleges, and career ~~area-technical~~ centers in this state,

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1 which offers or conducts any course of study in real estate
2 practice, teaches any course prescribed by the commission as a
3 condition precedent to licensure or renewal of licensure as a
4 broker or sales associate, or teaches any course designed or
5 represented to enable or assist applicants for licensure as
6 brokers or sales associates to pass examinations for such
7 licensure shall, before commencing or continuing further to
8 offer or conduct such course or courses, obtain a permit from
9 the department and abide by the regulations imposed upon such
10 person, school, or institution by this chapter and rules of
11 the commission adopted pursuant to this chapter. The exemption
12 for colleges, universities, community colleges, and career
13 ~~area-technical~~ centers is limited to transferable college
14 credit courses offered by such institutions.

15 (2) An applicant for a permit to operate a proprietary
16 real estate school, to be a chief administrator of a
17 proprietary real estate school or a state institution, or to
18 be an instructor for a proprietary real estate school or a
19 state institution must meet the qualifications for practice
20 set forth in s. 475.17(1) and the following minimal
21 requirements:

22 (c) "School instructor" means an individual who
23 instructs persons in the classroom in noncredit college
24 courses in a college, university, or community college or
25 courses in a career ~~an-area-technical~~ center or proprietary
26 real estate school.

27 1. Before commencing to provide such instruction, the
28 applicant must certify the applicant's competency and obtain
29 an instructor permit by meeting one of the following
30 requirements:

31 a. Hold a bachelor's degree in a business-related

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1 subject, such as real estate, finance, accounting, business
2 administration, or its equivalent and hold a valid broker's
3 license in this state.

4 b. Hold a bachelor's degree, have extensive real
5 estate experience, as defined by rule, and hold a valid
6 broker's license in this state.

7 c. Pass an instructor's examination approved by the
8 commission.

9 2. Any requirement by the commission for a teaching
10 demonstration or practical examination must apply to all
11 school instructor applicants.

12 3. The department shall renew an instructor permit
13 upon receipt of a renewal application and fee. The renewal
14 application shall include proof that the permitholder has,
15 since the issuance or renewal of the current permit,
16 successfully completed a minimum of 7 classroom hours of
17 instruction in real estate subjects or instructional
18 techniques, as prescribed by the commission. The commission
19 shall adopt rules providing for the renewal of instructor
20 permits at least every 2 years. Any permit which is not
21 renewed at the end of the permit period established by the
22 department shall automatically revert to involuntarily
23 inactive status.

24
25 The department may require an applicant to submit names of
26 persons having knowledge concerning the applicant and the
27 enterprise; may propound interrogatories to such persons and
28 to the applicant concerning the character of the applicant,
29 including the taking of fingerprints for processing through
30 the Federal Bureau of Investigation; and shall make such
31 investigation of the applicant or the school or institution as

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1 it may deem necessary to the granting of the permit. If an
2 objection is filed, it shall be considered in the same manner
3 as objections or administrative complaints against other
4 applicants for licensure by the department.

5 Section 53. Subsection (1), paragraph (b) of
6 subsection (2), paragraph (b) of subsection (3), and paragraph
7 (b) of subsection (4) of section 475.617, Florida Statutes,
8 are amended to read:

9 475.617 Education and experience requirements.--

10 (1) To be registered as a trainee appraiser, an
11 applicant must present evidence satisfactory to the board that
12 she or he has successfully completed at least 75 hours of
13 approved academic courses in subjects related to real estate
14 appraisal, which shall include coverage of the Uniform
15 Standards of Professional Appraisal Practice from a nationally
16 recognized or state-recognized appraisal organization, career
17 ~~area-technical~~-center, accredited community college, college,
18 or university, state or federal agency or commission, or
19 proprietary real estate school that holds a permit pursuant to
20 s. 475.451. The board may increase the required number of
21 hours to not more than 100 hours. A classroom hour is defined
22 as 50 minutes out of each 60-minute segment. Past courses may
23 be approved on an hour-for-hour basis.

24 (2) To be licensed as an appraiser, an applicant must
25 present evidence satisfactory to the board that she or he:

26 (b) Has successfully completed at least 90 classroom
27 hours, inclusive of examination, of approved academic courses
28 in subjects related to real estate appraisal, which shall
29 include coverage of the Uniform Standards of Professional
30 Appraisal Practice from a nationally recognized or
31 state-recognized appraisal organization, career ~~area-technical~~

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1 center, accredited community college, college, or university,
2 state or federal agency or commission, or proprietary real
3 estate school that holds a permit pursuant to s. 475.451. The
4 board may increase the required number of hours to not more
5 than 120 hours. A classroom hour is defined as 50 minutes out
6 of each 60-minute segment. Past courses may be approved by the
7 board and substituted on an hour-for-hour basis.

8 (3) To be certified as a residential appraiser, an
9 applicant must present satisfactory evidence to the board that
10 she or he:

11 (b) Has successfully completed at least 120 classroom
12 hours, inclusive of examination, of approved academic courses
13 in subjects related to real estate appraisal, which shall
14 include coverage of the Uniform Standards of Professional
15 Appraisal Practice from a nationally recognized or
16 state-recognized appraisal organization, career area-technical
17 center, accredited community college, college, or university,
18 state or federal agency or commission, or proprietary real
19 estate school that holds a permit pursuant to s. 475.451. The
20 board may increase the required number of hours to not more
21 than 165 hours. A classroom hour is defined as 50 minutes out
22 of each 60-minute segment. Past courses may be approved by the
23 board and substituted on an hour-for-hour basis.

24 (4) To be certified as a general appraiser, an
25 applicant must present evidence satisfactory to the board that
26 she or he:

27 (b) Has successfully completed at least 180 classroom
28 hours, inclusive of examination, of approved academic courses
29 in subjects related to real estate appraisal, which shall
30 include coverage of the Uniform Standards of Professional
31 Appraisal Practice from a nationally recognized or

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1 state-recognized appraisal organization, career area-technical
2 center, accredited community college, college, or university,
3 state or federal agency or commission, or proprietary real
4 estate school that holds a permit pursuant to s. 475.451. The
5 board may increase the required number of hours to not more
6 than 225 hours. A classroom hour is defined as 50 minutes out
7 of each 60-minute segment. Past courses may be approved by the
8 board and substituted on an hour-for-hour basis.

9 Section 54. Subsection (1) of section 475.6175,
10 Florida Statutes, is amended to read:

11 475.6175 Registered trainee appraiser; postlicensure
12 education required.--

13 (1) The board shall prescribe postlicensure
14 educational requirements in order for a person to maintain a
15 valid registration as a registered trainee appraiser. If
16 prescribed, the postlicensure educational requirements consist
17 of one or more courses which total no more than the total
18 educational hours required to qualify as a state certified
19 residential appraiser. Such courses must be in subjects
20 related to real estate appraisal and shall include coverage of
21 the Uniform Standards of Professional Appraisal Practice. Such
22 courses are provided by a nationally or state-recognized
23 appraisal organization, career area-technical center,
24 accredited community college, college, or university, state or
25 federal agency or commission, or proprietary real estate
26 school that holds a permit pursuant to s. 475.451.

27 Section 55. Paragraph (c) of subsection (1) of section
28 475.618, Florida Statutes, is amended to read:

29 475.618 Renewal of registration, license,
30 certification, or instructor permit; continuing education.--

31 (1)

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1 (c) The board may authorize independent certification
2 organizations to certify or approve the delivery method of
3 distance learning courses. Certification from such authorized
4 organizations must be provided at the time a distance learning
5 course is submitted to the board by an accredited college,
6 university, community college, career area-technical-center,
7 proprietary real estate school, or board-approved sponsor for
8 content approval.

9 Section 56. Subsections (1) and (2) of section
10 475.627, Florida Statutes, are amended to read:

11 475.627 Appraisal course instructors.--

12 (1) Where the course or courses to be taught are
13 prescribed by the board or approved precedent to registration,
14 licensure, certification, or renewal as a registered trainee
15 appraiser, licensed appraiser, or certified residential
16 appraiser, before commencing to instruct noncredit college
17 courses in a college, university, or community college, or
18 courses in a career an-area-technical center or proprietary
19 real estate school, a person must certify her or his
20 competency by meeting one of the following requirements:

21 (a) Hold a valid certification as a residential real
22 estate appraiser in this or any other state.

23 (b) Pass an appraiser instructor's examination which
24 shall test knowledge of residential appraisal topics.

25 (2) Where the course or courses to be taught are
26 prescribed by the board or approved precedent to registration,
27 licensure, certification, or renewal as a registered trainee
28 appraiser, licensed appraiser, or certified appraiser, before
29 commencing to instruct noncredit college courses in a college,
30 university, or community college, or courses in a career an
31 area-technical center or proprietary real estate school, a

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1 person must certify her or his competency by meeting one of
2 the following requirements:

3 (a) Hold a valid certification as a general real
4 estate appraiser in this or any other state.

5 (b) Pass an appraiser instructor's examination which
6 shall test knowledge of residential and nonresidential
7 appraisal topics.

8 Section 57. Subsection (1) of section 494.0029,
9 Florida Statutes, is amended to read:

10 494.0029 Mortgage business schools.--

11 (1) Each person, school, or institution, except
12 accredited colleges, universities, community colleges, and
13 career area-technical centers in this state, which offers or
14 conducts mortgage business training as a condition precedent
15 to licensure as a mortgage broker or lender or a correspondent
16 mortgage lender shall obtain a permit from the office and
17 abide by the regulations imposed upon such person, school, or
18 institution by this chapter and rules adopted pursuant to this
19 chapter. The commission shall, by rule, recertify the permits
20 annually with initial and renewal permit fees that do not
21 exceed \$500 plus the cost of accreditation.

22 Section 58. Paragraph (a) of subsection (2) of section
23 509.302, Florida Statutes, is amended to read:

24 509.302 Director of education, personnel, employment
25 duties, compensation.--

26 (2) The director of education shall develop and
27 implement an educational program, designated the "Hospitality
28 Education Program," offered for the benefit of the entire
29 industry. This program may affiliate with Florida State
30 University, Florida International University, and the
31 University of Central Florida. The program may also affiliate

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1 with any other member of the State University System or
2 Florida Community College System, or with any privately funded
3 college or university, which offers a program of hospitality
4 administration and management. The primary goal of this
5 program is to instruct and train all individuals and
6 businesses licensed under this chapter, in cooperation with
7 recognized associations that represent the licensees, in the
8 application of state and federal laws and rules. Such programs
9 shall also include:

10 (a) Career Vocational training.

11 Section 59. Subsection (4) of section 553.841, Florida
12 Statutes, is amended to read:

13 553.841 Building code training program; participant
14 competency requirements.--

15 (4) The commission may enter into contracts with the
16 Department of Education, the State University System, the
17 Division of Community Colleges, model code organizations,
18 professional organizations, career centers
19 ~~vocational-technical-schools~~, trade organizations, and private
20 industry to administer the program.

21 Section 60. Subsection (12) of section 790.06, Florida
22 Statutes, is amended to read:

23 790.06 License to carry concealed weapon or firearm.--

24 (12) No license issued pursuant to this section shall
25 authorize any person to carry a concealed weapon or firearm
26 into any place of nuisance as defined in s. 823.05; any
27 police, sheriff, or highway patrol station; any detention
28 facility, prison, or jail; any courthouse; any courtroom,
29 except that nothing in this section would preclude a judge
30 from carrying a concealed weapon or determining who will carry
31 a concealed weapon in his or her courtroom; any polling place;

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1 any meeting of the governing body of a county, public school
2 district, municipality, or special district; any meeting of
3 the Legislature or a committee thereof; any school, college,
4 or professional athletic event not related to firearms; any
5 school administration building; any portion of an
6 establishment licensed to dispense alcoholic beverages for
7 consumption on the premises, which portion of the
8 establishment is primarily devoted to such purpose; any
9 elementary or secondary school facility; any career area
10 ~~technical~~ center; any college or university facility unless
11 the licensee is a registered student, employee, or faculty
12 member of such college or university and the weapon is a stun
13 gun or nonlethal electric weapon or device designed solely for
14 defensive purposes and the weapon does not fire a dart or
15 projectile; inside the passenger terminal and sterile area of
16 any airport, provided that no person shall be prohibited from
17 carrying any legal firearm into the terminal, which firearm is
18 encased for shipment for purposes of checking such firearm as
19 baggage to be lawfully transported on any aircraft; or any
20 place where the carrying of firearms is prohibited by federal
21 law. Any person who willfully violates any provision of this
22 subsection commits a misdemeanor of the second degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 Section 61. Section 790.115, Florida Statutes, is
25 amended to read:

26 790.115 Possessing or discharging weapons or firearms
27 at a school-sponsored event or on school property prohibited;
28 penalties; exceptions.--

29 (1) A person who exhibits any sword, sword cane,
30 firearm, electric weapon or device, destructive device, or
31 other weapon, including a razor blade, box cutter, or knife,

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1 except as authorized in support of school-sanctioned
2 activities, in the presence of one or more persons in a rude,
3 careless, angry, or threatening manner and not in lawful
4 self-defense, at a school-sponsored event or on the grounds or
5 facilities of any school, school bus, or school bus stop, or
6 within 1,000 feet of the real property that comprises a public
7 or private elementary school, middle school, or secondary
8 school, during school hours or during the time of a sanctioned
9 school activity, commits a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084. This subsection does not apply to the exhibition of a
12 firearm or weapon on private real property within 1,000 feet
13 of a school by the owner of such property or by a person whose
14 presence on such property has been authorized, licensed, or
15 invited by the owner.

16 (2)(a) A person shall not possess any firearm,
17 electric weapon or device, destructive device, or other
18 weapon, including a razor blade, box cutter, or knife, except
19 as authorized in support of school-sanctioned activities, at a
20 school-sponsored event or on the property of any school,
21 school bus, or school bus stop; however, a person may carry a
22 firearm:

23 1. In a case to a firearms program, class or function
24 which has been approved in advance by the principal or chief
25 administrative officer of the school as a program or class to
26 which firearms could be carried;

27 2. In a case to a career center ~~vocational-school~~
28 having a firearms training range; or

29 3. In a vehicle pursuant to s. 790.25(5); except that
30 school districts may adopt written and published policies that
31 waive the exception in this subparagraph for purposes of

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1 student and campus parking privileges.

2
3 For the purposes of this section, "school" means any
4 preschool, elementary school, middle school, junior high
5 school, secondary school, career center ~~vocational-school~~, or
6 postsecondary school, whether public or nonpublic.

7 (b) A person who willfully and knowingly possesses any
8 electric weapon or device, destructive device, or other
9 weapon, including a razor blade, box cutter, or knife, except
10 as authorized in support of school-sanctioned activities, in
11 violation of this subsection commits a felony of the third
12 degree, punishable as provided in s. 775.082, s. 775.083, or
13 s. 775.084.

14 (c)1. A person who willfully and knowingly possesses
15 any firearm in violation of this subsection commits a felony
16 of the third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 2. A person who stores or leaves a loaded firearm
19 within the reach or easy access of a minor who obtains the
20 firearm and commits a violation of subparagraph 1. commits a
21 misdemeanor of the second degree, punishable as provided in s.
22 775.082 or s. 775.083; except that this does not apply if the
23 firearm was stored or left in a securely locked box or
24 container or in a location which a reasonable person would
25 have believed to be secure, or was securely locked with a
26 firearm-mounted push-button combination lock or a trigger
27 lock; if the minor obtains the firearm as a result of an
28 unlawful entry by any person; or to members of the Armed
29 Forces, National Guard, or State Militia, or to police or
30 other law enforcement officers, with respect to firearm
31 possession by a minor which occurs during or incidental to the

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1 performance of their official duties.

2 (d) A person who discharges any weapon or firearm
3 while in violation of paragraph (a), unless discharged for
4 lawful defense of himself or herself or another or for a
5 lawful purpose, commits a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (e) The penalties of this subsection shall not apply
9 to persons licensed under s. 790.06. Persons licensed under s.
10 790.06 shall be punished as provided in s. 790.06(12), except
11 that a licenseholder who unlawfully discharges a weapon or
12 firearm on school property as prohibited by this subsection
13 commits a felony of the second degree, punishable as provided
14 in s. 775.082, s. 775.083, or s. 775.084.

15 (3) This section does not apply to any law enforcement
16 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
17 (8), (9), or (14).

18 (4) Notwithstanding s. 985.213, s. 985.214, or s.
19 985.215(1), any minor under 18 years of age who is charged
20 under this section with possessing or discharging a firearm on
21 school property shall be detained in secure detention, unless
22 the state attorney authorizes the release of the minor, and
23 shall be given a probable cause hearing within 24 hours after
24 being taken into custody. At the hearing, the court may order
25 that the minor continue to be held in secure detention for a
26 period of 21 days, during which time the minor shall receive
27 medical, psychiatric, psychological, or substance abuse
28 examinations pursuant to s. 985.224, and a written report
29 shall be completed.

30 Section 62. Section 810.095, Florida Statutes, is
31 amended to read:

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1 810.095 Trespass on school property with firearm or
2 other weapon prohibited.--

3 (1) It is a felony of the third degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084, for a
5 person who is trespassing upon school property to bring onto,
6 or to possess on, such school property, any weapon or firearm.

7 (2) As used in this section, "school property" means
8 the grounds or facility of any kindergarten, elementary
9 school, middle school, junior high school, secondary school,
10 career center ~~vocational-school~~, or postsecondary school,
11 whether public or nonpublic.

12 Section 63. Paragraph (b) of subsection (6) of section
13 943.14, Florida Statutes, is amended to read:

14 943.14 Commission-certified criminal justice training
15 schools; certificates and diplomas; exemptions; injunctive
16 relief; fines.--

17 (6)

18 (b) All other criminal justice sciences or
19 administration courses or subjects which are a part of the
20 curriculum of any accredited college, university, community
21 college, or career ~~vocational-technical~~ center of this state,
22 and all full-time instructors of such institutions, are exempt
23 from the provisions of subsections (1)-(5).

24 Section 64. Paragraph (c) of subsection (11) of
25 section 948.015, Florida Statutes, is amended to read:

26 948.015 Presentence investigation reports.--The
27 circuit court, when the defendant in a criminal case has been
28 found guilty or has entered a plea of nolo contendere or
29 guilty and has a lowest permissible sentence under the
30 Criminal Punishment Code of any nonstate prison sanction, may
31 refer the case to the department for investigation or

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1 recommendation. Upon such referral, the department shall make
2 the following report in writing at a time specified by the
3 court prior to sentencing. The full report shall include:

4 (11) Information about any resources available to
5 assist the offender, such as:

6 (c) Career Vocational training programs.

7 Section 65. Paragraph (b) of subsection (3) of section
8 948.09, Florida Statutes, is amended to read:

9 948.09 Payment for cost of supervision and
10 rehabilitation.--

11 (3) Any failure to pay contribution as required under
12 this section may constitute a ground for the revocation of
13 probation by the court, the revocation of parole or
14 conditional release by the Parole Commission, the revocation
15 of control release by the Control Release Authority, or
16 removal from the pretrial intervention program by the state
17 attorney. The Department of Corrections may exempt a person
18 from the payment of all or any part of the contribution if it
19 finds any of the following factors to exist:

20 (b) The offender is a student in a school, college,
21 university, or course of career vocational-or-technical
22 training designed to fit the student for gainful employment.
23 Certification of such student status shall be supplied to the
24 Secretary of Corrections by the educational institution in
25 which the offender is enrolled.

26 Section 66. Subsection (1) of section 958.12, Florida
27 Statutes, is amended to read:

28 958.12 Participation in certain activities required.--

29 (1) A youthful offender shall be required to
30 participate in work assignments, and in career vocational ,
31 academic, counseling, and other rehabilitative programs in

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1 accordance with this section, including, but not limited to:

2 (a) All youthful offenders may be required, as
3 appropriate, to participate in:

- 4 1. Reception and orientation.
- 5 2. Evaluation, needs assessment, and classification.
- 6 3. Educational programs.
- 7 4. Career Vocational and job training.
- 8 5. Life and socialization skills training, including
9 anger/aggression control.

10 6. Prerelease orientation and planning.

11 7. Appropriate transition services.

12 (b) In addition to the requirements in paragraph (a),
13 the department shall make available:

- 14 1. Religious services and counseling.
- 15 2. Social services.
- 16 3. Substance abuse treatment and counseling.
- 17 4. Psychological and psychiatric services.
- 18 5. Library services.
- 19 6. Medical and dental health care.
- 20 7. Athletic, recreational, and leisure time
21 activities.
- 22 8. Mail and visiting privileges.

23
24 Income derived by a youthful offender from participation in
25 such activities may be used, in part, to defray a portion of
26 the costs of his or her incarceration or supervision; to
27 satisfy preexisting obligations; to pay fines, counseling
28 fees, or other costs lawfully imposed; or to pay restitution
29 to the victim of the crime for which the youthful offender has
30 been convicted in an amount determined by the sentencing
31 court. Any such income not used for such reasons or not used

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1 as provided in s. 946.513 or s. 958.09 shall be placed in a
2 bank account for use by the youthful offender upon his or her
3 release.

4 Section 67. Subsections (29) and (43) of section
5 985.03, Florida Statutes, are amended to read:

6 985.03 Definitions.--When used in this chapter, the
7 term:

8 (29) "Juvenile justice continuum" includes, but is not
9 limited to, delinquency prevention programs and services
10 designed for the purpose of preventing or reducing delinquent
11 acts, including criminal activity by youth gangs, and juvenile
12 arrests, as well as programs and services targeted at children
13 who have committed delinquent acts, and children who have
14 previously been committed to residential treatment programs
15 for delinquents. The term includes
16 children-in-need-of-services and families-in-need-of-services
17 programs; conditional release; substance abuse and mental
18 health programs; educational and career vocational programs;
19 recreational programs; community services programs; community
20 service work programs; and alternative dispute resolution
21 programs serving children at risk of delinquency and their
22 families, whether offered or delivered by state or local
23 governmental entities, public or private for-profit or
24 not-for-profit organizations, or religious or charitable
25 organizations.

26 (43) "Probation" means the legal status of probation
27 created by law and court order in cases involving a child who
28 has been found to have committed a delinquent act. Probation
29 is an individualized program in which the freedom of the child
30 is limited and the child is restricted to noninstitutional
31 quarters or restricted to the child's home in lieu of

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1 commitment to the custody of the Department of Juvenile
2 Justice. Youth on probation may be assessed and classified
3 for placement in day-treatment probation programs designed for
4 youth who represent a minimum risk to themselves and public
5 safety and do not require placement and services in a
6 residential setting. Program types in this more intensive and
7 structured day-treatment probation option include career
8 ~~vocational~~ programs, marine programs, juvenile justice
9 alternative schools, training and rehabilitation programs, and
10 gender-specific programs.

11 Section 68. Paragraphs (a) and (b) of subsection (1),
12 paragraph (a) of subsection (2), subsection (3), and
13 paragraphs (a), (b), and (d) of subsection (4) of section
14 985.315, Florida Statutes, are amended to read:

15 985.315 Educational ~~Educational/technical~~ and
16 career-related ~~vocational-work-related~~ programs.--

17 (1)(a) It is the finding of the Legislature that the
18 educational ~~educational/technical~~ and career-related
19 ~~vocational-work-related~~ programs of the Department of Juvenile
20 Justice are uniquely different from other programs operated or
21 conducted by other departments in that it is essential to the
22 state that these programs provide juveniles with useful
23 information and activities that can lead to meaningful
24 employment after release in order to assist in reducing the
25 return of juveniles to the system.

26 (b) It is further the finding of the Legislature that
27 the mission of a juvenile educational ~~educational/technical~~
28 and career-related ~~vocational-work-related~~ program is, in
29 order of priority:

30 1. To provide a joint effort between the department,
31 the juvenile work programs, and educational

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1 ~~educational/technical~~ and career ~~veational~~ training programs
2 to reinforce relevant education, training, and postrelease job
3 placement, and help reduce recommitment.

4 2. To serve the security goals of the state through
5 the reduction of idleness of juveniles and the provision of an
6 incentive for good behavior in residential commitment
7 facilities.

8 3. To teach youth in juvenile justice programs
9 relevant job skills and the fundamentals of a trade in order
10 to prepare them for placement in the workforce.

11 (2) (a) The department is strongly encouraged to
12 require juveniles placed in a high-risk residential,
13 maximum-risk residential, or a serious/habitual offender
14 program to participate in an educational ~~educational/technical~~
15 or career-related ~~veational-work-related~~ program 5 hours per
16 day, 5 days per week. All policies developed by the
17 department relating to this requirement must be consistent
18 with applicable federal, state, and local labor laws and
19 standards, including all laws relating to child labor.

20 (3) In adopting or modifying master plans for juvenile
21 work programs and educational ~~educational/technical~~ and career
22 ~~veational~~ training programs, and in the administration of the
23 Department of Juvenile Justice, it shall be the objective of
24 the department to develop:

25 (a) Attitudes favorable to work, the work situation,
26 and a law-abiding life in each juvenile employed in the
27 juvenile work program.

28 (b) Education and training opportunities that are
29 reasonably broad, but which develop specific work skills.

30 (c) Programs that motivate juveniles to use their
31 abilities.

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1 (d) Education and training programs that will be of
2 mutual benefit to all governmental jurisdictions of the state
3 by reducing the costs of government to the taxpayers and which
4 integrate all instructional programs into a unified curriculum
5 suitable for all juveniles, but taking account of the
6 different abilities of each juvenile.

7 (e) A logical sequence of educational
8 ~~educational/technical~~ or career vocational training,
9 employment by the juvenile work programs, and postrelease job
10 placement for juveniles participating in juvenile work
11 programs.

12 (4) (a) The Department of Juvenile Justice shall
13 establish guidelines for the operation of juvenile educational
14 ~~educational/technical~~ and career-related vocational
15 ~~work-related~~ programs, which shall include the following
16 procedures:

17 1. Participation in the educational
18 ~~educational/technical~~ and career-related vocational
19 ~~work-related~~ programs shall be on a 5-day-per-week,
20 5-hour-per-day basis.

21 2. The education, training, work experience, emotional
22 and mental abilities, and physical capabilities of the
23 juvenile and the duration of the term of placement imposed on
24 the juvenile are to be analyzed before assignment of the
25 juvenile into the various processes best suited for
26 educational ~~educational/technical~~ or career vocational
27 training.

28 3. When feasible, the department shall attempt to
29 obtain education or training credit for a juvenile seeking
30 apprenticeship status or a high school diploma or its
31 equivalent.

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1 4. The juvenile may begin in a general education and
2 work skills program and progress to a specific work skills
3 training program, depending upon the ability, desire, and
4 education and work record of the juvenile.

5 5. Modernization and upgrading of equipment and
6 facilities should include greater automation and improved
7 production techniques to expose juveniles to the latest
8 technological procedures to facilitate their adjustment to
9 real work situations.

10 (b) Evaluations of juvenile educational
11 ~~educational/technical~~ and career-related vocational
12 ~~work-related~~ programs shall be conducted according to the
13 following guidelines:

14 1. Systematic evaluations and quality assurance
15 monitoring shall be implemented, in accordance with s.
16 985.412(1), (2), and (5), to determine whether the programs
17 are related to successful postrelease adjustments.

18 2. Operations and policies of the programs shall be
19 reevaluated to determine if they are consistent with their
20 primary objectives.

21 (d) The department and providers are strongly
22 encouraged to work in partnership with local businesses and
23 trade groups in the development and operation of educational
24 ~~educational/technical~~ and career vocational programs.

25 Section 69. Subsections (1) and (2) of section
26 1000.04, Florida Statutes, are amended to read:

27 1000.04 Components for the delivery of public
28 education within the Florida K-20 education system.--Florida's
29 K-20 education system provides for the delivery of public
30 education through publicly supported and controlled K-12
31 schools, community colleges, state universities and other

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1 postsecondary educational institutions, other educational
2 institutions, and other educational services as provided or
3 authorized by the Constitution and laws of the state.

4 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools
5 include charter schools and consist of kindergarten classes;
6 elementary, middle, and high school grades and special
7 classes; workforce ~~development~~ education; career area
8 ~~technical~~ centers; adult, part-time, ~~career-and-technical~~, and
9 evening schools, courses, or classes, as authorized by law to
10 be operated under the control of district school boards; and
11 lab schools operated under the control of state universities.

12 (2) PUBLIC POSTSECONDARY EDUCATIONAL
13 INSTITUTIONS.--Public postsecondary educational institutions
14 include workforce ~~development~~ education; community colleges;
15 colleges; state universities; and all other state-supported
16 postsecondary educational institutions that are authorized and
17 established by law.

18 Section 70. Paragraph (e) of subsection (2) and
19 subsection (4) of section 1000.05, Florida Statutes, are
20 amended to read:

21 1000.05 Discrimination against students and employees
22 in the Florida K-20 public education system prohibited;
23 equality of access required.--

24 (2)

25 (e) Guidance services, counseling services, and
26 financial assistance services in the state public K-20
27 education system shall be available to students
28 equally. Guidance and counseling services, materials, and
29 promotional events shall stress access to academic and, career
30 ~~and-technical~~ opportunities for students without regard to
31 race, ethnicity, national origin, gender, disability, or

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1 marital status.

2 (4) Educational institutions within the state public
3 K-20 education system shall develop and implement methods and
4 strategies to increase the participation of students of a
5 particular race, ethnicity, national origin, gender,
6 disability, or marital status in programs and courses in which
7 students of that particular race, ethnicity, national origin,
8 gender, disability, or marital status have been traditionally
9 underrepresented, including, but not limited to, mathematics,
10 science, computer technology, electronics, communications
11 technology, engineering, and career ~~and-technical~~ education.

12 Section 71. Paragraph (h) of subsection (4) of section
13 1001.42, Florida Statutes, is amended to read:

14 1001.42 Powers and duties of district school
15 board.--The district school board, acting as a board, shall
16 exercise all powers and perform all duties listed below:

17 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
18 SCHOOLS.--Adopt and provide for the execution of plans for the
19 establishment, organization, and operation of the schools of
20 the district, including, but not limited to, the following:

21 (h) Career ~~and-technical~~ classes and schools.--Provide
22 for the establishment and maintenance of career ~~and-technical~~
23 schools, departments, or classes, giving instruction in career
24 ~~and-technical~~ education as defined by rules of the State Board
25 of Education, and use any moneys raised by public taxation in
26 the same manner as moneys for other school purposes are used
27 for the maintenance and support of public schools or classes.

28 Section 72. Section 1001.44, Florida Statutes, is
29 amended to read:

30 1001.44 Career Technical centers.--

31 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE

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1 CAREER TECHNICAL CENTERS.--Any district school board, after
2 first obtaining the approval of the Department of Education,
3 may, as a part of the district school system, organize,
4 establish and operate a career technical center, or acquire
5 and operate a career center technical-school previously
6 established.

7 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
8 ESTABLISH OR ACQUIRE CAREER TECHNICAL CENTERS.--The district
9 school boards of any two or more contiguous districts may,
10 upon first obtaining the approval of the department, enter
11 into an agreement to organize, establish and operate, or
12 acquire and operate, a career technical center under this
13 section.

14 (3) CAREER TECHNICAL CENTER PART OF DISTRICT SCHOOL
15 SYSTEM DIRECTED BY A DIRECTOR.--

16 (a) A career technical center established or acquired
17 under provisions of law and minimum standards prescribed by
18 the commissioner shall comprise a part of the district school
19 system and shall mean an educational institution offering
20 terminal courses of a technical nature, and courses for
21 out-of-school youth and adults; shall be subject to all
22 applicable provisions of this code; shall be under the control
23 of the district school board of the school district in which
24 it is located; and shall be directed by a director responsible
25 through the district school superintendent to the district
26 school board of the school district in which the center is
27 located.

28 (b) Each career technical center shall maintain an
29 academic transcript for each student enrolled in the center.
30 Such transcript shall delineate each course completed by the
31 student. Courses shall be delineated by the course prefix and

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1 title assigned pursuant to s. 1007.24. The center shall make a
2 copy of a student's transcript available to any student who
3 requests it.

4 Section 73. Paragraph (a) of subsection (1) of section
5 1001.452, Florida Statutes, is amended to read:

6 1001.452 District and school advisory councils.--

7 (1) ESTABLISHMENT.--

8 (a) The district school board shall establish an
9 advisory council for each school in the district and shall
10 develop procedures for the election and appointment of
11 advisory council members. Each school advisory council shall
12 include in its name the words "school advisory council." The
13 school advisory council shall be the sole body responsible for
14 final decisionmaking at the school relating to implementation
15 of the provisions of ss. 1001.42(16) and 1008.345. A majority
16 of the members of each school advisory council must be persons
17 who are not employed by the school. Each advisory council
18 shall be composed of the principal and an appropriately
19 balanced number of teachers, education support employees,
20 students, parents, and other business and community citizens
21 who are representative of the ethnic, racial, and economic
22 community served by the school. Career Technical center and
23 high school advisory councils shall include students, and
24 middle and junior high school advisory councils may include
25 students. School advisory councils of career centers technical
26 and adult education centers are not required to include
27 parents as members. Council members representing teachers,
28 education support employees, students, and parents shall be
29 elected by their respective peer groups at the school in a
30 fair and equitable manner as follows:

31 1. Teachers shall be elected by teachers.

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1 2. Education support employees shall be elected by
2 education support employees.

3 3. Students shall be elected by students.

4 4. Parents shall be elected by parents.

5
6 The district school board shall establish procedures for use
7 by schools in selecting business and community members that
8 include means of ensuring wide notice of vacancies and of
9 taking input on possible members from local business, chambers
10 of commerce, community and civic organizations and groups, and
11 the public at large. The district school board shall review
12 the membership composition of each advisory council. If the
13 district school board determines that the membership elected
14 by the school is not representative of the ethnic, racial, and
15 economic community served by the school, the district school
16 board shall appoint additional members to achieve proper
17 representation. The commissioner shall determine if schools
18 have maximized their efforts to include on their advisory
19 councils minority persons and persons of lower socioeconomic
20 status. Although schools are strongly encouraged to establish
21 school advisory councils, the district school board of any
22 school district that has a student population of 10,000 or
23 fewer may establish a district advisory council which shall
24 include at least one duly elected teacher from each school in
25 the district. For the purposes of school advisory councils and
26 district advisory councils, the term "teacher" shall include
27 classroom teachers, certified student services personnel, and
28 media specialists. For purposes of this paragraph, "education
29 support employee" means any person employed by a school who is
30 not defined as instructional or administrative personnel
31 pursuant to s. 1012.01 and whose duties require 20 or more

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1 hours in each normal working week.

2 Section 74. Paragraph (a) of subsection (1) of section
3 1001.453, Florida Statutes, is amended to read:

4 1001.453 Direct-support organization; use of property;
5 board of directors; audit.--

6 (1) DEFINITIONS.--For the purposes of this section,
7 the term:

8 (a) "District school board direct-support
9 organization" means an organization that:

10 1. Is approved by the district school board;

11 2. Is a Florida corporation not for profit,
12 incorporated under the provisions of chapter 617 and approved
13 by the Department of State; and

14 3. Is organized and operated exclusively to receive,
15 hold, invest, and administer property and to make expenditures
16 to or for the benefit of public kindergarten through 12th
17 grade education and adult career ~~and-technical~~ and community
18 education programs in this state.

19 Section 75. Subsection (16) of section 1001.64,
20 Florida Statutes, is amended to read:

21 1001.64 Community college boards of trustees; powers
22 and duties.--

23 (16) Each board of trustees must expend performance
24 funds provided for workforce ~~development~~ education pursuant to
25 the provisions of s. 1011.80.

26 Section 76. Subsection (2) of section 1002.01, Florida
27 Statutes, is amended to read:

28 1002.01 Definitions.--

29 (2) A "private school" is a nonpublic school defined
30 as an individual, association, copartnership, or corporation,
31 or department, division, or section of such organizations,

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1 that designates itself as an educational center that includes
2 kindergarten or a higher grade or as an elementary, secondary,
3 business, technical, or trade school below college level or
4 any organization that provides instructional services that
5 meet the intent of s. 1003.01(14) or that gives preemployment
6 or supplementary training in technology or in fields of trade
7 or industry or that offers academic, literary, or career and
8 ~~technical~~ training below college level, or any combination of
9 the above, including an institution that performs the
10 functions of the above schools through correspondence or
11 extension, except those licensed under the provisions of
12 chapter 1005. A private school may be a parochial, religious,
13 denominational, for-profit, or nonprofit school. This
14 definition does not include home education programs conducted
15 in accordance with s. 1002.41.

16 Section 77. Paragraph (f) of subsection (3) of section
17 1002.20, Florida Statutes, is amended to read:

18 1002.20 K-12 student and parent rights.--Parents of
19 public school students must receive accurate and timely
20 information regarding their child's academic progress and must
21 be informed of ways they can help their child to succeed in
22 school. K-12 students and their parents are afforded numerous
23 statutory rights including, but not limited to, the following:

24 (3) HEALTH ISSUES.--

25 (f) Career ~~and-technical~~ education courses involving
26 hazardous substances.--High school students must be given
27 plano safety glasses or devices in career ~~and-technical~~
28 education courses involving the use of hazardous substances
29 likely to cause eye injury, in accordance with the provisions
30 of s. 1006.65.

31 Section 78. Paragraph (a) of subsection (2) and

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1 subsections (3) and (5) of section 1002.22, Florida Statutes,
2 are amended to read:

3 1002.22 Student records and reports; rights of parents
4 and students; notification; penalty.--

5 (2) DEFINITIONS.--As used in this section:

6 (a) "Chief executive officer" means that person,
7 whether elected or appointed, who is responsible for the
8 management and administration of any public educational body
9 or unit, or the chief executive officer's designee for student
10 records; that is, the district school superintendent, the
11 director of a career an-area-technical center, the president
12 of a public postsecondary educational institution, or their
13 designees.

14 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
15 student who attends or has attended any public school, career
16 ~~area-technical~~ center, or public postsecondary educational
17 institution shall have the following rights with respect to
18 any records or reports created, maintained, and used by any
19 public educational institution in the state. However, whenever
20 a student has attained 18 years of age, or is attending a
21 postsecondary educational institution, the permission or
22 consent required of, and the rights accorded to, the parents
23 of the student shall thereafter be required of and accorded to
24 the student only, unless the student is a dependent student of
25 such parents as defined in 26 U.S.C. s. 152 (s. 152 of the
26 Internal Revenue Code of 1954). The State Board of Education
27 shall adopt rules whereby parents or students may exercise
28 these rights:

29 (a) Right of access.--

30 1. Such parent or student shall have the right, upon
31 request directed to the appropriate school official, to be

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1 provided with a list of the types of records and reports,
2 directly related to students, as maintained by the institution
3 that the student attends or has attended.

4 2. Such parent or student shall have the right, upon
5 request, to be shown any record or report relating to such
6 student maintained by any public educational institution. When
7 the record or report includes information on more than one
8 student, the parent or student shall be entitled to receive,
9 or be informed of, only that part of the record or report that
10 pertains to the student who is the subject of the request.

11 Upon a reasonable request therefor, the institution shall
12 furnish such parent or student with an explanation or
13 interpretation of any such record or report.

14 3. Copies of any list, record, or report requested
15 under the provisions of this paragraph shall be furnished to
16 the parent or student upon request.

17 4. The State Board of Education shall adopt rules to
18 be followed by all public educational institutions in granting
19 requests for lists, or for access to reports and records or
20 for copies or explanations thereof under this paragraph.
21 However, access to any report or record requested under the
22 provisions of subparagraph 2. shall be granted within 30 days
23 after receipt of such request by the institution. Fees may be
24 charged for furnishing any copies of reports or records
25 requested under subparagraph 3., but such fees shall not
26 exceed the actual cost to the institution of producing such
27 copies.

28 (b) Right of waiver of access to confidential letters
29 or statements.--A parent or student shall have the right to
30 waive the right of access to letters or statements of
31 recommendation or evaluation, except that such waiver shall

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1 apply to recommendations or evaluations only if:

2 1. The parent or student is, upon request, notified of
3 the names of all persons submitting confidential letters or
4 statements.

5 2. Such recommendations or evaluations are used solely
6 for the purpose for which they were specifically intended.

7
8 Such waivers may not be required as a condition for admission
9 to, receipt of financial aid from, or receipt of any other
10 services or benefits from, any public agency or public
11 educational institution in this state.

12 (c) Right to challenge and hearing.--A parent or
13 student shall have the right to challenge the content of any
14 record or report to which such person is granted access under
15 paragraph (a), in order to ensure that the record or report is
16 not inaccurate, misleading, or otherwise in violation of the
17 privacy or other rights of the student and to provide an
18 opportunity for the correction, deletion, or expunction of any
19 inaccurate, misleading, or otherwise inappropriate data or
20 material contained therein. Any challenge arising under the
21 provisions of this paragraph may be settled through informal
22 meetings or discussions between the parent or student and
23 appropriate officials of the educational institution. If the
24 parties at such a meeting agree to make corrections, to make
25 deletions, to expunge material, or to add a statement of
26 explanation or rebuttal to the file, such agreement shall be
27 reduced to writing and signed by the parties; and the
28 appropriate school officials shall take the necessary actions
29 to implement the agreement. If the parties cannot reach an
30 agreement, upon the request of either party, a hearing shall
31 be held on such challenge under rules adopted by the State

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1 Board of Education. Upon the request of the parent or student,
2 the hearing shall be exempt from the requirements of s.
3 286.011. Such rules shall include at least the following
4 provisions:

5 1. The hearing shall be conducted within a reasonable
6 period of time following the request for the hearing.

7 2. The hearing shall be conducted, and the decision
8 rendered, by an official of the educational institution or
9 other party who does not have a direct interest in the outcome
10 of the hearing.

11 3. The parent or student shall be afforded a full and
12 fair opportunity to present evidence relevant to the issues
13 raised under this paragraph.

14 4. The decision shall be rendered in writing within a
15 reasonable period of time after the conclusion of the hearing.

16 5. The appropriate school officials shall take the
17 necessary actions to implement the decision.

18 (d) Right of privacy.--Every student shall have a
19 right of privacy with respect to the educational records kept
20 on him or her. Personally identifiable records or reports of a
21 student, and any personal information contained therein, are
22 confidential and exempt from the provisions of s. 119.07(1).
23 No state or local educational agency, board, public school,
24 ~~career technical~~-center, or public postsecondary educational
25 institution shall permit the release of such records, reports,
26 or information without the written consent of the student's
27 parent, or of the student himself or herself if he or she is
28 qualified as provided in this subsection, to any individual,
29 agency, or organization. However, personally identifiable
30 records or reports of a student may be released to the
31 following persons or organizations without the consent of the

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1 student or the student's parent:

2 1. Officials of schools, school systems, career
3 ~~technical~~-centers, or public postsecondary educational
4 institutions in which the student seeks or intends to enroll;
5 and a copy of such records or reports shall be furnished to
6 the parent or student upon request.

7 2. Other school officials, including teachers within
8 the educational institution or agency, who have legitimate
9 educational interests in the information contained in the
10 records.

11 3. The United States Secretary of Education, the
12 Director of the National Institute of Education, the Assistant
13 Secretary for Education, the Comptroller General of the United
14 States, or state or local educational authorities who are
15 authorized to receive such information subject to the
16 conditions set forth in applicable federal statutes and
17 regulations of the United States Department of Education, or
18 in applicable state statutes and rules of the State Board of
19 Education.

20 4. Other school officials, in connection with a
21 student's application for or receipt of financial aid.

22 5. Individuals or organizations conducting studies for
23 or on behalf of an institution or a board of education for the
24 purpose of developing, validating, or administering predictive
25 tests, administering student aid programs, or improving
26 instruction, if such studies are conducted in such a manner as
27 will not permit the personal identification of students and
28 their parents by persons other than representatives of such
29 organizations and if such information will be destroyed when
30 no longer needed for the purpose of conducting such studies.

31 6. Accrediting organizations, in order to carry out

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1 their accrediting functions.

2 7. School readiness coalitions and the Florida
3 Partnership for School Readiness in order to carry out their
4 assigned duties.

5 8. For use as evidence in student expulsion hearings
6 conducted by a district school board pursuant to the
7 provisions of chapter 120.

8 9. Appropriate parties in connection with an
9 emergency, if knowledge of the information in the student's
10 educational records is necessary to protect the health or
11 safety of the student or other individuals.

12 10. The Auditor General and the Office of Program
13 Policy Analysis and Government Accountability in connection
14 with their official functions; however, except when the
15 collection of personally identifiable information is
16 specifically authorized by law, any data collected by the
17 Auditor General and the Office of Program Policy Analysis and
18 Government Accountability is confidential and exempt from the
19 provisions of s. 119.07(1) and shall be protected in such a
20 way as will not permit the personal identification of students
21 and their parents by other than the Auditor General, the
22 Office of Program Policy Analysis and Government
23 Accountability, and their staff, and such personally
24 identifiable data shall be destroyed when no longer needed for
25 the Auditor General's and the Office of Program Policy
26 Analysis and Government Accountability's official use.

27 11.a. A court of competent jurisdiction in compliance
28 with an order of that court or the attorney of record pursuant
29 to a lawfully issued subpoena, upon the condition that the
30 student and the student's parent are notified of the order or
31 subpoena in advance of compliance therewith by the educational

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1 institution or agency.

2 b. A person or entity pursuant to a court of competent
3 jurisdiction in compliance with an order of that court or the
4 attorney of record pursuant to a lawfully issued subpoena,
5 upon the condition that the student, or his or her parent if
6 the student is either a minor and not attending a
7 postsecondary educational institution or a dependent of such
8 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
9 Revenue Code of 1954), is notified of the order or subpoena in
10 advance of compliance therewith by the educational institution
11 or agency.

12 12. Credit bureaus, in connection with an agreement
13 for financial aid that the student has executed, provided that
14 such information may be disclosed only to the extent necessary
15 to enforce the terms or conditions of the financial aid
16 agreement. Credit bureaus shall not release any information
17 obtained pursuant to this paragraph to any person.

18 13. Parties to an interagency agreement among the
19 Department of Juvenile Justice, school and law enforcement
20 authorities, and other signatory agencies for the purpose of
21 reducing juvenile crime and especially motor vehicle theft by
22 promoting cooperation and collaboration, and the sharing of
23 appropriate information in a joint effort to improve school
24 safety, to reduce truancy and in-school and out-of-school
25 suspensions, and to support alternatives to in-school and
26 out-of-school suspensions and expulsions that provide
27 structured and well-supervised educational programs
28 supplemented by a coordinated overlay of other appropriate
29 services designed to correct behaviors that lead to truancy,
30 suspensions, and expulsions, and that support students in
31 successfully completing their education. Information provided

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1 in furtherance of such interagency agreements is intended
2 solely for use in determining the appropriate programs and
3 services for each juvenile or the juvenile's family, or for
4 coordinating the delivery of such programs and services, and
5 as such is inadmissible in any court proceedings prior to a
6 dispositional hearing unless written consent is provided by a
7 parent or other responsible adult on behalf of the juvenile.

8
9 This paragraph does not prohibit any educational institution
10 from publishing and releasing to the general public directory
11 information relating to a student if the institution elects to
12 do so. However, no educational institution shall release, to
13 any individual, agency, or organization that is not listed in
14 subparagraphs 1.-13., directory information relating to the
15 student body in general or a portion thereof unless it is
16 normally published for the purpose of release to the public in
17 general. Any educational institution making directory
18 information public shall give public notice of the categories
19 of information that it has designated as directory information
20 with respect to all students attending the institution and
21 shall allow a reasonable period of time after such notice has
22 been given for a parent or student to inform the institution
23 in writing that any or all of the information designated
24 should not be released.

25 (5) PENALTY.--In the event that any public school
26 official or employee, district school board official or
27 employee, career technical center official or employee, or
28 public postsecondary educational institution official or
29 employee refuses to comply with any of the provisions of this
30 section, the aggrieved parent or student shall have an
31 immediate right to bring an action in the circuit court to

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1 enforce the violated right by injunction. Any aggrieved parent
2 or student who brings such an action and whose rights are
3 vindicated may be awarded attorney's fees and court costs.

4 Section 79. Subsection (1) of section 1002.38, Florida
5 Statutes, is amended to read:

6 1002.38 Opportunity Scholarship Program.--

7 (1) FINDINGS AND INTENT.--The purpose of this section
8 is to provide enhanced opportunity for students in this state
9 to gain the knowledge and skills necessary for postsecondary
10 education, a career technical education, or the world of work.
11 The Legislature recognizes that the voters of the State of
12 Florida, in the November 1998 general election, amended s. 1,
13 Art. IX of the Florida Constitution so as to make education a
14 paramount duty of the state. The Legislature finds that the
15 State Constitution requires the state to provide a uniform,
16 safe, secure, efficient, and high-quality system which allows
17 the opportunity to obtain a high-quality education. The
18 Legislature further finds that a student should not be
19 compelled, against the wishes of the student's parent, to
20 remain in a school found by the state to be failing for 2
21 years in a 4-year period. The Legislature shall make available
22 opportunity scholarships in order to give parents the
23 opportunity for their children to attend a public school that
24 is performing satisfactorily or to attend an eligible private
25 school when the parent chooses to apply the equivalent of the
26 public education funds generated by his or her child to the
27 cost of tuition in the eligible private school as provided in
28 paragraph (6)(a). Eligibility of a private school shall
29 include the control and accountability requirements that,
30 coupled with the exercise of parental choice, are reasonably
31 necessary to secure the educational public purpose, as

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1 delineated in subsection (4).

2 Section 80. Paragraph (a) of subsection (2) of section
3 1002.42, Florida Statutes, is amended to read:

4 1002.42 Private schools.--

5 (2) ANNUAL PRIVATE SCHOOL SURVEY.--

6 (a) The Department of Education shall organize,
7 maintain, and annually update a database of educational
8 institutions within the state coming within the provisions of
9 this section. There shall be included in the database of each
10 institution the name, address, and telephone number of the
11 institution; the type of institution; the names of
12 administrative officers; the enrollment by grade or special
13 group (e.g., career ~~and-technical~~ education and exceptional
14 child education); the number of graduates; the number of
15 instructional and administrative personnel; the number of days
16 the school is in session; and such data as may be needed to
17 meet the provisions of this section and s. 1003.23(2).

18 Section 81. Subsection (4), paragraph (c) of
19 subsection (9), and subsection (15) of section 1003.01,
20 Florida Statutes, are amended to read:

21 1003.01 Definitions.--As used in this chapter, the
22 term:

23 (4) "Career ~~and-technical~~ education" means education
24 that provides instruction for the following purposes:

25 (a) At the elementary, middle, and secondary school
26 levels, exploratory courses designed to give students initial
27 exposure to a broad range of occupations to assist them in
28 preparing their academic and occupational plans, and practical
29 arts courses that provide generic skills that may apply to
30 many occupations but are not designed to prepare students for
31 entry into a specific occupation. Career ~~and-technical~~

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1 education provided before high school completion must be
2 designed to enhance both occupational and academic skills
3 through integration with academic instruction.

4 (b) At the secondary school level, job-preparatory
5 instruction in the competencies that prepare students for
6 effective entry into an occupation, including diversified
7 cooperative education, work experience, and job-entry programs
8 that coordinate directed study and on-the-job training.

9 (c) At the postsecondary education level, courses of
10 study that provide competencies needed for entry into specific
11 occupations or for advancement within an occupation.

12 (9) "Dropout" means a student who meets any one or
13 more of the following criteria:

14 (c) The student has withdrawn from school, but has not
15 transferred to another public or private school or enrolled in
16 any career ~~and-technical~~, adult, home education, or
17 alternative educational program;

18
19 The State Board of Education may adopt rules to implement the
20 provisions of this subsection.

21 (15) "Extracurricular courses" means all courses that
22 are not defined as "core-curricula courses," which may
23 include, but are not limited to, physical education, fine
24 arts, performing fine arts, ~~vocational-education~~, and career
25 ~~and-technical~~ education. The term is limited in meaning and
26 used for the sole purpose of designating classes that are not
27 subject to the maximum class size requirements established in
28 s. 1, Art. IX of the State Constitution.

29 Section 82. Section 1003.02, Florida Statutes, is
30 amended to read:

31 1003.02 District school board operation and control of

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1 public K-12 education within the school district.--As provided
2 in part II of chapter 1001, district school boards are
3 constitutionally and statutorily charged with the operation
4 and control of public K-12 education within their school
5 district. The district school boards must establish, organize,
6 and operate their public K-12 schools and educational
7 programs, employees, and facilities. Their responsibilities
8 include staff development, public K-12 school student
9 education including education for exceptional students and
10 students in juvenile justice programs, special programs, adult
11 education programs, and career and-technical education
12 programs. Additionally, district school boards must:

13 (1) Provide for the proper accounting for all students
14 of school age, for the attendance and control of students at
15 school, and for proper attention to health, safety, and other
16 matters relating to the welfare of students in the following
17 fields:

18 (a) Admission, classification, promotion, and
19 graduation of students.--Adopt rules for admitting,
20 classifying, promoting, and graduating students to or from the
21 various schools of the district.

22 (b) Enforcement of attendance laws.--Provide for the
23 enforcement of all laws and rules relating to the attendance
24 of students at school.

25 (c) Control of students.--

26 1. Adopt rules for the control, attendance,
27 discipline, in-school suspension, suspension, and expulsion of
28 students and decide all cases recommended for expulsion.

29 2. Maintain a code of student conduct as provided in
30 chapter 1006.

31 (d) Courses of study and instructional materials.--

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1 1. Provide adequate instructional materials for all
2 students as follows and in accordance with the requirements of
3 chapter 1006, in the core courses of mathematics, language
4 arts, social studies, science, reading, and literature, except
5 for instruction for which the school advisory council approves
6 the use of a program that does not include a textbook as a
7 major tool of instruction.

8 2. Adopt courses of study for use in the schools of
9 the district.

10 3. Provide for proper requisitioning, distribution,
11 accounting, storage, care, and use of all instructional
12 materials as may be needed, and ensure that instructional
13 materials used in the district are consistent with the
14 district goals and objectives and the curriculum frameworks
15 approved by the State Board of Education, as well as with the
16 state and school district performance standards required by
17 law and state board rule.

18 (e) Transportation.--Make provision for the
19 transportation of students to the public schools or school
20 activities they are required or expected to attend,
21 efficiently and economically, in accordance with the
22 requirements of chapter 1006.

23 (f) Facilities and school plant.--

24 1. Approve and adopt a districtwide school facilities
25 program, in accordance with the requirements of chapter 1013.

26 2. Approve plans for locating, planning, constructing,
27 sanitating, insuring, maintaining, protecting, and condemning
28 school property as prescribed in chapter 1013.

29 3. Approve and adopt a districtwide school building
30 program.

31 4. Select and purchase school sites, playgrounds, and

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1 recreational areas located at centers at which schools are to
2 be constructed, of adequate size to meet the needs of
3 projected students to be accommodated.

4 5. Approve the proposed purchase of any site,
5 playground, or recreational area for which school district
6 funds are to be used.

7 6. Expand existing sites.

8 7. Rent buildings when necessary.

9 8. Enter into leases or lease-purchase arrangements,
10 in accordance with the requirements and conditions provided in
11 s. 1013.15(2).

12 9. Provide for the proper supervision of construction.

13 10. Make or contract for additions, alterations, and
14 repairs on buildings and other school properties.

15 11. Ensure that all plans and specifications for
16 buildings provide adequately for the safety and well-being of
17 students, as well as for economy of construction.

18 12. Provide adequately for the proper maintenance and
19 upkeep of school plants.

20 13. Carry insurance on every school building in all
21 school plants including contents, boilers, and machinery,
22 except buildings of three classrooms or less which are of
23 frame construction and located in a tenth class public
24 protection zone as defined by the Florida Inspection and
25 Rating Bureau, and on all school buses and other property
26 under the control of the district school board or title to
27 which is vested in the district school board, except as
28 exceptions may be authorized under rules of the State Board of
29 Education.

30 14. Condemn and prohibit the use for public school
31 purposes of any building under the control of the district

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1 school board.

2 (g) School operation.--

3 1. Provide for the operation of all public schools as
4 free schools for a term of at least 180 days or the equivalent
5 on an hourly basis as specified by rules of the State Board of
6 Education; determine district school funds necessary in
7 addition to state funds to operate all schools for the minimum
8 term; and arrange for the levying of district school taxes
9 necessary to provide the amount needed from district sources.

10 2. Prepare, adopt, and timely submit to the Department
11 of Education, as required by law and by rules of the State
12 Board of Education, the annual school budget, so as to promote
13 the improvement of the district school system.

14 (h) Records and reports.--

15 1. Keep all necessary records and make all needed and
16 required reports, as required by law or by rules of the State
17 Board of Education.

18 2. At regular intervals require reports to be made by
19 principals or teachers in all public schools to the parents of
20 the students enrolled and in attendance at their schools,
21 apprising them of the academic and other progress being made
22 by the student and giving other useful information.

23 (i) Parental notification of acceleration
24 mechanisms.--At the beginning of each school year, notify
25 parents of students in or entering high school of the
26 opportunity and benefits of advanced placement, International
27 Baccalaureate, Advanced International Certificate of
28 Education, dual enrollment, and Florida Virtual School
29 courses.

30 (2) Require that all laws, all rules of the State
31 Board of Education, and all rules of the district school board

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1 are properly enforced.

2 (3) Maintain a system of school improvement and
3 education accountability as required by law and State Board of
4 Education rule, including but not limited to the requirements
5 of chapter 1008.

6 (4) In order to reduce the anonymity of students in
7 large schools, adopt policies that encourage subdivision of
8 the school into schools-within-a-school, which shall operate
9 within existing resources. A "school-within-a-school" means an
10 operational program that uses flexible scheduling, team
11 planning, and curricular and instructional innovation to
12 organize groups of students with groups of teachers as smaller
13 units, so as to functionally operate as a smaller school.
14 Examples of this include, but are not limited to:

15 (a) An organizational arrangement assigning both
16 students and teachers to smaller units in which the students
17 take some or all of their coursework with their fellow grouped
18 students and from the teachers assigned to the smaller unit. A
19 unit may be grouped together for 1 year or on a vertical,
20 multiyear basis.

21 (b) An organizational arrangement similar to that
22 described in paragraph(a) with additional variations in
23 instruction and curriculum. The smaller unit usually seeks to
24 maintain a program different from that of the larger school,
25 or of other smaller units. It may be vertically organized, but
26 is dependent upon the school principal for its existence,
27 budget, and staff.

28 (c) A separate and autonomous smaller unit formally
29 authorized by the district school board or district school
30 superintendent. The smaller unit plans and runs its own
31 program, has its own staff and students, and receives its own

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1 separate budget. The smaller unit must negotiate the use of
2 common space with the larger school and defer to the building
3 principal on matters of safety and building operation.

4 Section 83. Paragraph (h) of subsection (1) of section
5 1003.43, Florida Statutes, is amended to read:

6 1003.43 General requirements for high school
7 graduation.--

8 (1) Graduation requires successful completion of
9 either a minimum of 24 academic credits in grades 9 through 12
10 or an International Baccalaureate curriculum. The 24 credits
11 shall be distributed as follows:

12 (h)1. One credit in practical arts career ~~and~~
13 ~~technical~~ education or exploratory career ~~and-technical~~
14 education. Any career ~~and-technical~~ education course as
15 defined in s. 1003.01 may be taken to satisfy the high school
16 graduation requirement for one credit in practical arts or
17 exploratory career ~~and-technical~~ education provided in this
18 subparagraph;

19 2. One credit in performing fine arts to be selected
20 from music, dance, drama, painting, or sculpture. A course in
21 any art form, in addition to painting or sculpture, that
22 requires manual dexterity, or a course in speech and debate,
23 may be taken to satisfy the high school graduation requirement
24 for one credit in performing arts pursuant to this
25 subparagraph; or

26 3. One-half credit each in practical arts career ~~and~~
27 ~~technical~~ education or exploratory career ~~and-technical~~
28 education and performing fine arts, as defined in this
29 paragraph.

30
31 Such credit for practical arts career ~~and-technical~~ education

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1 or exploratory career ~~and-technical~~ education or for
2 performing fine arts shall be made available in the 9th grade,
3 and students shall be scheduled into a 9th grade course as a
4 priority.

5
6 District school boards may award a maximum of one-half credit
7 in social studies and one-half elective credit for student
8 completion of nonpaid voluntary community or school service
9 work. Students choosing this option must complete a minimum of
10 75 hours of service in order to earn the one-half credit in
11 either category of instruction. Credit may not be earned for
12 service provided as a result of court action. District school
13 boards that approve the award of credit for student volunteer
14 service shall develop guidelines regarding the award of the
15 credit, and school principals are responsible for approving
16 specific volunteer activities. A course designated in the
17 Course Code Directory as grade 9 through grade 12 that is
18 taken below the 9th grade may be used to satisfy high school
19 graduation requirements or Florida Academic Scholars award
20 requirements as specified in a district school board's student
21 progression plan. A student shall be granted credit toward
22 meeting the requirements of this subsection for equivalent
23 courses, as identified pursuant to s. 1007.271(6), taken
24 through dual enrollment.

25 Section 84. Subsection (3) of section 1003.47, Florida
26 Statutes, is amended to read:

27 1003.47 Biological experiments on living subjects.--

28 (3) If any instructional employee of a public high
29 school or career ~~area-technical~~ center knowingly or
30 intentionally fails or refuses to comply with any of the
31 provisions of this section, the district school board may

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1 suspend, dismiss, return to annual contract, or otherwise
2 discipline such employee as provided in s. 1012.22(1)(f) in
3 accordance with procedures established in chapter 1012. If any
4 instructional employee of any private school knowingly or
5 intentionally fails or refuses to comply with the provisions
6 of this section, the governing authority of the private school
7 may suspend, dismiss, or otherwise discipline such employee in
8 accordance with its standard personnel procedures.

9 Section 85. Paragraphs (e) and (f) of subsection (2)
10 of section 1003.51, Florida Statutes, are amended to read:

11 1003.51 Other public educational services.--

12 (2) The State Board of Education shall adopt and
13 maintain an administrative rule articulating expectations for
14 effective education programs for youth in Department of
15 Juvenile Justice programs, including, but not limited to,
16 education programs in juvenile justice commitment and
17 detention facilities. The rule shall articulate policies and
18 standards for education programs for youth in Department of
19 Juvenile Justice programs and shall include the following:

20 (e) Assessment procedures, which:

21 1. Include appropriate academic and career and
22 ~~technical~~ assessments administered at program entry and exit
23 that are selected by the Department of Education in
24 partnership with representatives from the Department of
25 Juvenile Justice, district school boards, and providers.

26 2. Require district school boards to be responsible
27 for ensuring the completion of the assessment process.

28 3. Require assessments for students in detention who
29 will move on to commitment facilities, to be designed to
30 create the foundation for developing the student's education
31 program in the assigned commitment facility.

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1 4. Require assessments of students sent directly to
2 commitment facilities to be completed within the first week of
3 the student's commitment.

4
5 The results of these assessments, together with a portfolio
6 depicting the student's academic and career ~~and-technical~~
7 accomplishments, shall be included in the discharge package
8 assembled for each youth.

9 (f) Recommended instructional programs, including, but
10 not limited to, career ~~and-technical~~ training and job
11 preparation.

12 Section 86. Paragraph (c) of subsection (1) and
13 subsections (3), (5), and (23) of section 1003.52, Florida
14 Statutes, are amended to read:

15 1003.52 Educational services in Department of Juvenile
16 Justice programs.--

17 (1) The Legislature finds that education is the single
18 most important factor in the rehabilitation of adjudicated
19 delinquent youth in the custody of the Department of Juvenile
20 Justice in detention or commitment facilities. It is the goal
21 of the Legislature that youth in the juvenile justice system
22 continue to be allowed the opportunity to obtain a high
23 quality education. The Department of Education shall serve as
24 the lead agency for juvenile justice education programs,
25 curriculum, support services, and resources. To this end, the
26 Department of Education and the Department of Juvenile Justice
27 shall each designate a Coordinator for Juvenile Justice
28 Education Programs to serve as the point of contact for
29 resolving issues not addressed by district school boards and
30 to provide each department's participation in the following
31 activities:

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1 (c) Developing academic and career ~~and-technical~~
2 protocols that provide guidance to district school boards and
3 providers in all aspects of education programming, including
4 records transfer and transition.

5
6 Annually, a cooperative agreement and plan for juvenile
7 justice education service enhancement shall be developed
8 between the Department of Juvenile Justice and the Department
9 of Education and submitted to the Secretary of Juvenile
10 Justice and the Commissioner of Education by June 30.

11 (3) The district school board of the county in which
12 the residential or nonresidential care facility or juvenile
13 assessment facility is located shall provide appropriate
14 educational assessments and an appropriate program of
15 instruction and special education services. The district
16 school board shall make provisions for each student to
17 participate in basic, career ~~and-technical~~ education, and
18 exceptional student programs as appropriate. Students served
19 in Department of Juvenile Justice programs shall have access
20 to the appropriate courses and instruction to prepare them for
21 the GED test. Students participating in GED preparation
22 programs shall be funded at the basic program cost factor for
23 Department of Juvenile Justice programs in the Florida
24 Education Finance Program. Each program shall be conducted
25 according to applicable law providing for the operation of
26 public schools and rules of the State Board of Education.

27 (5) The educational program shall consist of
28 appropriate basic academic, career ~~and-technical~~, or
29 exceptional curricula and related services which support the
30 treatment goals and reentry and which may lead to completion
31 of the requirements for receipt of a high school diploma or

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1 its equivalent. If the duration of a program is less than 40
2 days, the educational component may be limited to tutorial
3 activities and career ~~and technical~~ employability skills.

4 (23) The Department of Juvenile Justice and the
5 Department of Education shall, in consultation with the
6 statewide Workforce Development Youth Council, district school
7 boards, providers, and others, jointly develop a multiagency
8 plan for career ~~and-technical~~ education which describes the
9 curriculum, goals, and outcome measures for career ~~and~~
10 ~~technical~~ education programming in juvenile commitment
11 facilities, pursuant to s. 985.3155.

12 Section 87. Subsections (21), (23), (25), and (26) of
13 section 1004.02, Florida Statutes, are amended to read:

14 1004.02 Definitions.--As used in this chapter:

15 (21) "Career ~~Technical~~ certificate program" means a
16 course of study that leads to at least one occupational
17 completion point. The program may also confer credit that may
18 articulate with a diploma or career ~~technical~~ degree education
19 program, if authorized by rules of the State Board of
20 Education. Any credit instruction designed to articulate to a
21 degree program is subject to guidelines and standards adopted
22 by the Department of Education pursuant to chapter 1007. The
23 term is interchangeable with the term "certificate career ~~and~~
24 ~~technical~~ education program."

25 (23) "Career ~~and-technical~~ education planning region"
26 means the geographic area in which career ~~and-technical~~ or
27 adult education is provided. Each career ~~and-technical~~ region
28 is contiguous with one of the 28 community college service
29 areas.

30 (25) "Career ~~and-technical~~ program" means a group of
31 identified competencies leading to occupations identified by a

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1 Classification of Instructional Programs number.

2 (26) "Workforce ~~development~~ education" means adult
3 general education or career ~~and-technical~~ education and may
4 consist of a continuing workforce education course or a
5 program of study leading to an occupational completion point,
6 a career ~~technical~~ certificate, an applied technology diploma,
7 or a career ~~technical~~ degree.

8 Section 88. Paragraph (f) of subsection (5) of section
9 1004.04, Florida Statutes, is amended to read:

10 1004.04 Public accountability and state approval for
11 teacher preparation programs.--

12 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding
13 subsection (4), failure by a public or nonpublic teacher
14 preparation program to meet the criteria for continued program
15 approval shall result in loss of program approval. The
16 Department of Education, in collaboration with the departments
17 and colleges of education, shall develop procedures for
18 continued program approval that document the continuous
19 improvement of program processes and graduates' performance.

20 (f)1. Each Florida public and private institution that
21 offers a state-approved teacher preparation program must
22 annually report information regarding these programs to the
23 state and the general public. This information shall be
24 reported in a uniform and comprehensible manner that is
25 consistent with definitions and methods approved by the
26 Commissioner of the National Center for Educational Statistics
27 and that is approved by the State Board of Education. This
28 information must include, at a minimum:

29 a. The percent of graduates obtaining full-time
30 teaching employment within the first year of graduation.

31 b. The average length of stay of graduates in their

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1 full-time teaching positions.

2 c. Satisfaction ratings required in paragraph (e).

3 2. Each public and private institution offering
4 training for school readiness related professions, including
5 training in the fields of child care and early childhood
6 education, whether offering career technical credit, associate
7 in applied science degree programs, associate in science
8 degree programs, or associate in arts degree programs, shall
9 annually report information regarding these programs to the
10 state and the general public in a uniform and comprehensible
11 manner that conforms with definitions and methods approved by
12 the State Board of Education. This information must include,
13 at a minimum:

14 a. Average length of stay of graduates in their
15 positions.

16 b. Satisfaction ratings of graduates' employers.

17
18 This information shall be reported through publications,
19 including college and university catalogs and promotional
20 materials sent to potential applicants, secondary school
21 guidance counselors, and prospective employers of the
22 institution's program graduates.

23 Section 89. Section 1004.07, Florida Statutes, is
24 amended to read:

25 1004.07 Student withdrawal from courses due to
26 military service; effect.--Each district school board,
27 community college district board of trustees, and university
28 board of trustees shall establish, by rule and pursuant to
29 guidelines of the State Board of Education, policies regarding
30 currently enrolled students who are called to, or enlist in,
31 active military service. Such policies shall provide that any

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1 student enrolled in a postsecondary course or courses at a
2 career an-area-technical center, a public community college, a
3 public college, or a state university shall not incur academic
4 or financial penalties by virtue of performing military
5 service on behalf of our country. Such student shall be
6 permitted the option of either completing the course or
7 courses at a later date without penalty or withdrawing from
8 the course or courses with a full refund of fees paid. If the
9 student chooses to withdraw, the student's record shall
10 reflect that the withdrawal is due to active military service.

11 Section 90. Paragraphs (b), (c), (d), and (g) of
12 subsection (4) of section 1004.54, Florida Statutes, are
13 amended to read:

14 1004.54 Learning Development and Evaluation Center.--

15 (4) An outreach component shall be established which
16 shall include:

17 (b) Working with community colleges, career technical
18 centers, and community agencies to identify students who may
19 benefit from the program.

20 (c) Providing secondary schools, community colleges,
21 career technical centers, and community agencies with a
22 description of methods used by the program for identification
23 of students who have learning disabilities.

24 (d) Providing secondary schools, community colleges,
25 career technical centers, and community agencies with a
26 description of program services and the support services
27 available.

28 (g) Designing, developing, and implementing, in
29 cooperation with Florida Agricultural and Mechanical
30 University, public school districts, community colleges, and
31 career technical centers within the Department of Education,

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1 model programs for the learning disabled student.

2 Section 91. Subsection (6) and paragraph (a) of
3 subsection (8) of section 1004.65, Florida Statutes, are
4 amended to read:

5 1004.65 Community colleges; definition, mission, and
6 responsibilities.--

7 (6) The primary mission and responsibility of
8 community colleges is responding to community needs for
9 postsecondary academic education and career technical degree
10 education. This mission and responsibility includes being
11 responsible for:

12 (a) Providing lower level undergraduate instruction
13 and awarding associate degrees.

14 (b) Preparing students directly for careers vocations
15 requiring less than baccalaureate degrees. This may include
16 preparing for job entry, supplementing of skills and
17 knowledge, and responding to needs in new areas of technology.
18 Career ~~and-technical~~ education in the community college shall
19 consist of career technical certificates, credit courses
20 leading to associate in science degrees and associate in
21 applied science degrees, and other programs in fields
22 requiring substantial academic work, background, or
23 qualifications. A community college may offer career ~~and~~
24 ~~technical~~ education programs in fields having lesser academic
25 or technical requirements.

26 (c) Providing student development services, including
27 assessment, student tracking, support for disabled students,
28 advisement, counseling, financial aid, career development, and
29 remedial and tutorial services, to ensure student success.

30 (d) Promoting economic development for the state
31 within each community college district through the provision

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1 of special programs, including, but not limited to, the:

2 1. Enterprise Florida-related programs.

3 2. Technology transfer centers.

4 3. Economic development centers.

5 4. Workforce literacy programs.

6 (e) Providing dual enrollment instruction.

7 (8) Funding for community colleges shall reflect their
8 mission as follows:

9 (a) Postsecondary academic and career ~~and-technical~~
10 education programs and adult general education programs shall
11 have first priority in community college funding.

12 Section 92. Paragraph (b) of subsection (3) and
13 paragraph (a) of subsection (8) of section 1004.73, Florida
14 Statutes, are amended to read:

15 1004.73 St. Petersburg College.--

16 (3) STUDENTS; FEES.--

17 (b) The Board of Trustees of St. Petersburg College
18 shall establish the level of tuition and other authorized
19 student fees consistent with law and proviso in the General
20 Appropriations Act.

21 1. For each credit hour of enrollment in a certificate
22 level course or lower-division level college credit course,
23 tuition and fees must be within the range authorized in law
24 and rule for a community college student at that level.

25 2. For each credit hour of enrollment in an
26 upper-division level course, matriculation and tuition fees
27 must be in an amount established by the Board of Trustees of
28 St. Petersburg College. However, fees for upper-division
29 students must reflect the fact that the college does not incur
30 the costs of major research programs. Therefore, the board of
31 trustees shall establish fees for upper-division students

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1 within a range that is lower than the fees established for
2 students at a state university but higher than the fees for
3 community college students.

4 3. Other mandatory fees and local fees must be at the
5 same level for all lower-division students. For upper-division
6 students, other mandatory fees and local fees must be at a
7 level less than fees established for University of South
8 Florida students, regardless of program enrollment or level.
9 However, students in workforce ~~development~~ education courses
10 maintain the authorized fee exemptions described in s. 1009.25
11 and may be exempt from local fees imposed by the board of
12 trustees, at the board's discretion.

13 (8) STATE FUNDING.--

14 (a) The Legislature intends to fund St. Petersburg
15 College as a community college for its workforce ~~development~~
16 education programs and for its lower-division level college
17 credit courses and programs.

18 Section 93. Subsections (1) and (2) of section
19 1004.91, Florida Statutes, are amended to read:

20 1004.91 Career-preparatory ~~Vocational-preparatory~~
21 instruction.--

22 (1) The State Board of Education shall adopt, by rule,
23 standards of basic skill mastery for certificate career
24 ~~technical~~ education programs. Each school district and
25 community college that conducts programs that confer career
26 ~~technical~~ credit shall provide career-preparatory
27 ~~vocational-preparatory~~ instruction through which students
28 receive the basic skills instruction required pursuant to this
29 section.

30 (2) Students who enroll in a program offered for
31 career ~~technical~~ credit of 450 hours or more shall complete an

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1 entry-level examination within the first 6 weeks of admission
2 into the program. The State Board of Education shall designate
3 examinations that are currently in existence, the results of
4 which are comparable across institutions, to assess student
5 mastery of basic skills. Any student found to lack the
6 required level of basic skills for such program shall be
7 referred to career-preparatory ~~vocational-preparatory~~
8 instruction or adult basic education for a structured program
9 of basic skills instruction. Such instruction may include
10 English for speakers of other languages. A student may not
11 receive a career ~~technical~~ certificate of completion without
12 first demonstrating the basic skills required in the state
13 curriculum frameworks for the program.

14 Section 94. Section 1004.92, Florida Statutes, is
15 amended to read:

16 1004.92 Purpose and responsibilities for career and
17 ~~technical~~ education.--

18 (1) The purpose of career ~~and-technical~~ education is
19 to enable students who complete career ~~and-technical~~ programs
20 to attain and sustain employment and realize economic
21 self-sufficiency. The purpose of this section is to identify
22 issues related to career ~~and-technical~~ education for which
23 school boards and community college boards of trustees are
24 accountable. It is the intent of the Legislature that the
25 standards articulated in subsection (2) be considered in the
26 development of accountability standards for public schools
27 pursuant to ss. 1000.03, 1001.42(16), and 1008.345 and for
28 community colleges pursuant to s. 1008.45.

29 (2)(a) School board, superintendent, and career
30 ~~technical~~-center, and community college board of trustees and
31 president, accountability for career ~~and-technical~~ education

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1 programs includes, but is not limited to:

2 1. Student demonstration of the academic skills
3 necessary to enter an occupation.

4 2. Student preparation to enter an occupation in an
5 entry-level position or continue postsecondary study.

6 3. Career ~~and-technical~~ program articulation with
7 other corresponding postsecondary programs and job training
8 experiences.

9 4. Employer satisfaction with the performance of
10 students who complete career ~~and-technical~~ education or reach
11 occupational completion points.

12 5. Student completion, placement, and retention rates
13 pursuant to s. 1008.43.

14 (b) Department of Education accountability for career
15 ~~and-technical~~ education includes, but is not limited to:

16 1. The provision of timely, accurate technical
17 assistance to school districts and community colleges.

18 2. The provision of timely, accurate information to
19 the State Board of Education, the Legislature, and the public.

20 3. The development of policies, rules, and procedures
21 that facilitate institutional attainment of the accountability
22 standards and coordinate the efforts of all divisions within
23 the department.

24 4. The development of program standards and
25 industry-driven benchmarks for career ~~and-technical~~, adult,
26 and community education programs, which must be updated every
27 3 years. The standards must include career technical,
28 academic, and workplace skills; viability of distance learning
29 for instruction; and work/learn cycles that are responsive to
30 business and industry.

31 5. Overseeing school district and community college

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1 compliance with the provisions of this chapter.

2 6. Ensuring that the educational outcomes for the
3 technical component of career ~~and-technical~~ programs are
4 uniform and designed to provide a graduate who is capable of
5 entering the workforce on an equally competitive basis
6 regardless of the institution of choice.

7 (3) Each career ~~technical~~ center operated by a
8 district school board shall establish a center advisory
9 council pursuant to s. 1001.452. The center advisory council
10 shall assist in the preparation and evaluation of center
11 improvement plans required pursuant to s. 1001.42(16) and may
12 provide assistance, upon the request of the center director,
13 in the preparation of the center's annual budget and plan as
14 required by s. 1008.385(1).

15 Section 95. Paragraph (b) of subsection (1), paragraph
16 (d) of subsection (2), and paragraph (c) of subsection (4) of
17 section 1004.93, Florida Statutes, are amended to read:

18 1004.93 Adult general education.--

19 (1)

20 (b) It is further intended that educational
21 opportunities be available for adults who have earned a
22 diploma or high school equivalency diploma but who lack the
23 basic skills necessary to function effectively in everyday
24 situations, to enter the job market, or to enter career
25 ~~technical~~ certificate instruction.

26 (2) The adult education program must provide academic
27 services to students in the following priority:

28 (d) Students who have earned high school diplomas and
29 require specific improvement in order to:

30 1. Obtain or maintain employment or benefit from
31 certificate career ~~technical~~ education programs;

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1 2. Pursue a postsecondary degree; or

2 3. Develop competence in the English language to
3 qualify for employment.

4 (4)

5 (c) The State Board of Education shall define, by
6 rule, the levels and courses of instruction to be funded
7 through the college-preparatory program. The state board shall
8 coordinate the establishment of costs for college-preparatory
9 courses, the establishment of statewide standards that define
10 required levels of competence, acceptable rates of student
11 progress, and the maximum amount of time to be allowed for
12 completion of college-preparatory instruction.

13 College-preparatory instruction is part of an associate in
14 arts degree program and may not be funded as an adult career
15 ~~and-technical~~ education program.

16 Section 96. Subsection (2) of section 1004.98, Florida
17 Statutes, is amended to read:

18 1004.98 Workforce literacy programs.--

19 (2) Each community college and school district may
20 conduct courses and programs through which adults gain the
21 communication and computation skills necessary to complete a
22 career ~~and technical~~ program, to gain or maintain entry-level
23 employment, or to upgrade employment. Courses may not be
24 conducted until the community college or school district
25 identifies current and prospective employees who do not
26 possess the skills necessary to enter career ~~and-technical~~
27 programs or to obtain or maintain employment.

28 Section 97. Subsection (8) of section 1005.02, Florida
29 Statutes, is amended to read:

30 1005.02 Definitions.--As used in this chapter, the
31 term:

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1 (8) "Diploma" means a credential that is not a degree
2 but is any of the following: a certificate, transcript,
3 report, document, or title; a designation, mark, or
4 appellation; or a series of letters, numbers, or words that
5 generally are taken to signify satisfactory completion of the
6 requirements of an educational~~7-technical~~, or career program
7 of study or training or course of study.

8 Section 98. Subsection (2) of section 1005.06, Florida
9 Statutes, is amended to read:

10 1005.06 Institutions not under the jurisdiction or
11 purview of the commission.--

12 (2) The Department of Education may contract with the
13 Commission on Independent Education to provide services for
14 independent postsecondary educational institutions not under
15 the jurisdiction of the commission relating to licensure of
16 postsecondary career ~~technical~~ certificate and diploma
17 programs that such institutions may wish to offer and
18 preliminary review of programs such institutions may wish to
19 offer which are beyond the scope of the institutions's current
20 accreditation status. Upon completion of its review, the
21 commission shall forward its recommendation to the department
22 for final action. The department shall assess the institution
23 seeking such services the cost to the commission of providing
24 such services. Revenues collected pursuant to this provision
25 shall be deposited in the Institutional Assessment Trust Fund.

26 Section 99. Paragraph (c) of subsection (2) of section
27 1005.21, Florida Statutes, is amended to read:

28 1005.21 Commission for Independent Education.--

29 (2) The Commission for Independent Education shall
30 consist of seven members who are residents of this state. The
31 commission shall function in matters concerning independent

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1 postsecondary educational institutions in consumer protection,
2 program improvement, and licensure for institutions under its
3 purview. The Governor shall appoint the members of the
4 commission who are subject to confirmation by the Senate. The
5 membership of the commission shall consist of:

6 (c) One member from a public school district or
7 community college who is an administrator of career and
8 ~~technical~~ education.

9 Section 100. Subsections (2) and (5) of section
10 1006.035, Florida Statutes, are amended to read:

11 1006.035 Dropout reentry and mentor project.--

12 (2) The project shall identify 15 black students in
13 each location who have dropped out of high school but were not
14 encountering academic difficulty when they left school.
15 Students chosen to participate may not have a high school
16 diploma, be enrolled in an adult general education program
17 which includes a GED program or an adult high school, or be
18 enrolled in a career center ~~technical-school~~. Students may be
19 employed but must be able to adjust their work schedules to
20 accommodate classes and project sessions. Priority must be
21 given to students who have dropped out of school within the
22 last 3 years.

23 (5) Selected project participants shall be evaluated
24 and enrolled in a GED program, regular high school, career
25 center ~~technical-school~~, or alternative school. In conjunction
26 with school guidance personnel, project staff shall design a
27 supplemental program to reinforce basic skills, provide
28 additional counseling, and offer tutorial assistance. Weekly,
29 project staff shall monitor students' attendance, performance,
30 homework, and attitude toward school.

31 Section 101. Subsection (1) of section 1006.051,

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1 Florida Statutes, is amended to read:

2 1006.051 Sunshine Workforce Solutions Grant Program.--

3 (1) The Legislature recognizes the need for school
4 districts to be able to respond to critical workforce
5 shortages in nursing. The Sunshine Workforce Solutions Grant
6 Program is created to provide grants to school districts on a
7 competitive basis to fund all or some of the costs associated
8 with establishing an exploratory program in nursing at the
9 middle school level or a comprehensive career ~~and-technical~~
10 education program within a high school that provides a program
11 of study in nursing that will provide a seamless transition to
12 appropriate postsecondary education or employment.

13 (a) A comprehensive career ~~and-technical~~ education
14 program within a high school that provides a program of study
15 in nursing must be certified or endorsed by the Florida Board
16 of Nursing to ensure that all components of the program are
17 relevant and appropriate to prepare the student for further
18 education and employment in nursing.

19 (b) For career ~~and-technical~~ education programs in
20 which high school credit is articulated to a related
21 postsecondary education program, there must be an articulation
22 agreement that ensures seamless transition from one level to
23 the next without a loss of credit for the student.

24 (c) Participation in work-based learning experiences,
25 as defined in rule by the Department of Education, shall be
26 required in career ~~and-technical~~ education programs at the
27 high school level.

28 Section 102. Paragraph (c) of subsection (3) of
29 section 1006.21, Florida Statutes, is amended to read:

30 1006.21 Duties of district school superintendent and
31 district school board regarding transportation.--

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1 (3) District school boards, after considering
2 recommendations of the district school superintendent:

3 (c) May provide transportation for public school
4 migrant, exceptional, nursery, and other public school
5 students in membership below kindergarten; kindergarten
6 through grade 12 students in membership in a public school;
7 and adult students in membership in adult career ~~and~~
8 ~~technical~~, basic, and high school graduation programs in a
9 public school when, and only when, transportation is necessary
10 to provide adequate educational facilities and opportunities
11 which otherwise would not be available.

12 Section 103. Paragraph (a) of subsection (4) of
13 section 1006.31, Florida Statutes, is amended to read:

14 1006.31 Duties of each state instructional materials
15 committee.--The duties of each state instructional materials
16 committee are:

17 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
18 evaluate carefully all instructional materials submitted, to
19 ascertain which instructional materials, if any, submitted for
20 consideration best implement the selection criteria developed
21 by the commissioner and those curricular objectives included
22 within applicable performance standards provided for in s.
23 1001.03(1).

24 (a) When recommending instructional materials for use
25 in the schools, each committee shall include only
26 instructional materials that accurately portray the ethnic,
27 socioeconomic, cultural, and racial diversity of our society,
28 including men and women in professional, career ~~and-technical~~,
29 and executive roles, and the role and contributions of the
30 entrepreneur and labor in the total development of this state
31 and the United States.

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1
2 The findings of the committees, including the evaluation of
3 instructional materials, shall be in sessions open to the
4 public. All decisions leading to determinations of the
5 committees shall be by roll call vote, and at no time will a
6 secret ballot be permitted.

7 Section 104. Paragraph (a) of subsection (2) and
8 paragraph (b) of subsection (3) of section 1007.21, Florida
9 Statutes, are amended to read:

10 1007.21 Readiness for postsecondary education and the
11 workplace.--

12 (2) (a) Students entering the 9th grade and their
13 parents shall be active participants in choosing an
14 end-of-high-school student destination based upon both student
15 and parent or guardian goals. Four or more destinations should
16 be available with bridges between destinations to enable
17 students to shift destinations should they choose to change
18 goals. The destinations shall accommodate the needs of
19 students served in exceptional education programs to the
20 extent appropriate for individual students. Exceptional
21 education students may continue to follow the courses outlined
22 in the district school board student progression plan.
23 Participating students and their parents shall choose among
24 destinations, which must include:

25 1. Four-year college or university, community college
26 plus university, or military academy.

27 2. Two-year postsecondary degree.

28 3. Postsecondary career ~~and-technical~~ certificate.

29 4. Immediate employment or entry-level military.

30 (3)

31 (b) The school principal shall:

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1 1. Designate a member of the existing instructional or
2 administrative staff to serve as a specialist to help
3 coordinate the use of student achievement strategies to help
4 students succeed in their coursework. The specialist shall
5 also assist teachers in integrating the academic and career
6 ~~and-technical~~ curricula, utilizing technology, providing
7 feedback regarding student achievement, and implementing the
8 Blueprint for Career Preparation and Tech Prep programs.

9 2. Institute strategies to eliminate reading, writing,
10 and mathematics deficiencies of secondary students.

11 Section 105. Paragraph (c) of subsection (1) of
12 section 1007.23, Florida Statutes, is amended to read:

13 1007.23 Statewide articulation agreement.--

14 (1) The State Board of Education shall establish in
15 rule a statewide articulation agreement that governs:

16 (c) Admission of applied technology diploma program
17 graduates from community colleges or career ~~technical~~ centers;

18 Section 106. Subsection (2) of section 1007.24,
19 Florida Statutes, is amended to read:

20 1007.24 Statewide course numbering system.--

21 (2) The Commissioner of Education shall appoint
22 faculty committees representing faculties of participating
23 institutions to recommend a single level for each course,
24 including postsecondary career ~~and-technical~~ education
25 courses, included in the statewide course numbering system.

26 (a) Any course designated as an upper-division-level
27 course must be characterized by a need for advanced academic
28 preparation and skills that a student would be unlikely to
29 achieve without significant prior coursework.

30 (b) A course that is offered as part of an associate
31 in science degree program and as an upper-division course for

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1 a baccalaureate degree shall be designated for both the lower
2 and upper division.

3 (c) A course designated as lower-division may be
4 offered by any community college.

5 Section 107. Subsections (2) and (11) of section
6 1007.25, Florida Statutes, are amended to read:

7 1007.25 General education courses; common
8 prerequisites; and other degree requirements.--

9 (2) The department shall identify postsecondary career
10 ~~and technical~~ education programs offered by community colleges
11 and district school boards. The department shall also identify
12 career ~~and-technical~~ courses designated as college credit
13 courses applicable toward a career ~~and-technical~~ education
14 diploma or degree. Such courses must be identified within the
15 statewide course numbering system.

16 (11) The Commissioner of Education shall appoint
17 faculty committees representing both community college and
18 public school faculties to recommend to the commissioner for
19 approval by the State Board of Education a standard program
20 length and appropriate occupational completion points for each
21 postsecondary career ~~and-technical~~ certificate program,
22 diploma, and degree.

23 Section 108. Subsection (4) of section 1007.27,
24 Florida Statutes, is amended to read:

25 1007.27 Articulated acceleration mechanisms.--

26 (4) It is the intent of the Legislature to provide
27 articulated acceleration mechanisms for students who are in
28 home education programs, as defined in s. 1003.01(11),
29 consistent with the educational opportunities available to
30 public and private secondary school students. Home education
31 students may participate in dual enrollment, career and

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1 ~~technical~~ dual enrollment, early admission, and credit by
2 examination. Credit earned by home education students through
3 dual enrollment shall apply toward the completion of a home
4 education program that meets the requirements of s. 1002.41.

5 Section 109. Subsections (1), (3), (4), (8), and (10)
6 of section 1007.271, Florida Statutes, are amended to read:

7 1007.271 Dual enrollment programs.--

8 (1) The dual enrollment program is the enrollment of
9 an eligible secondary student or home education student in a
10 postsecondary course creditable toward a career ~~and-technical~~
11 certificate or an associate or baccalaureate degree.

12 (3) The Department of Education shall adopt guidelines
13 designed to achieve comparability across school districts of
14 both student qualifications and teacher qualifications for
15 dual enrollment courses. Student qualifications must
16 demonstrate readiness for college-level coursework if the
17 student is to be enrolled in college courses. Student
18 qualifications must demonstrate readiness for career-level
19 ~~career-and-technical-level~~ coursework if the student is to be
20 enrolled in career ~~and-technical~~ courses. In addition to the
21 common placement examination, student qualifications for
22 enrollment in college credit dual enrollment courses must
23 include a 3.0 unweighted grade point average, and student
24 qualifications for enrollment in career ~~and-technical~~
25 certificate dual enrollment courses must include a 2.0
26 unweighted grade point average. Exceptions to the required
27 grade point averages may be granted if the educational
28 entities agree and the terms of the agreement are contained
29 within the dual enrollment interinstitutional articulation
30 agreement. Community college boards of trustees may establish
31 additional admissions criteria, which shall be included in the

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1 district interinstitutional articulation agreement developed
2 according to s. 1007.235, to ensure student readiness for
3 postsecondary instruction. Additional requirements included in
4 the agreement shall not arbitrarily prohibit students who have
5 demonstrated the ability to master advanced courses from
6 participating in dual enrollment courses. District school
7 boards may not refuse to enter into an agreement with a local
8 community college if that community college has the capacity
9 to offer dual enrollment courses.

10 (4) Career ~~and-technical~~ dual enrollment shall be
11 provided as a curricular option for secondary students to
12 pursue in order to earn a series of elective credits toward
13 the high school diploma. However, career ~~and-technical~~ dual
14 enrollment shall not supplant student acquisition of the
15 diploma. Career ~~and-technical~~ dual enrollment shall be
16 available for secondary students seeking a degree or
17 certificate from a complete career-preparatory job-preparatory
18 program, but shall not sustain student enrollment in isolated
19 career ~~and-technical~~ courses. It is the intent of the
20 Legislature that career ~~and-technical~~ dual enrollment reflect
21 the interests and aptitudes of the student. The provision of a
22 comprehensive academic and career ~~and-technical~~ dual
23 enrollment program within the career area-technical center or
24 community college is supportive of legislative intent;
25 however, such provision is not mandatory.

26 (8) Career ~~and-technical~~ early admission is a form of
27 career ~~and-technical~~ dual enrollment through which eligible
28 secondary students enroll full time in a career an-area
29 ~~technical~~ center or a community college in courses that are
30 creditable toward the high school diploma and the certificate
31 or associate degree. Participation in the career ~~and-technical~~

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1 early admission program shall be limited to students who have
2 completed a minimum of 6 semesters of full-time secondary
3 enrollment, including studies undertaken in the ninth grade.
4 Students enrolled pursuant to this section are exempt from the
5 payment of registration, tuition, and laboratory fees.

6 (10) (a) The dual enrollment program for home education
7 students consists of the enrollment of an eligible home
8 education secondary student in a postsecondary course
9 creditable toward an associate degree, a career ~~or technical~~
10 certificate, or a baccalaureate degree. To participate in the
11 dual enrollment program, an eligible home education secondary
12 student must:

13 1. Provide proof of enrollment in a home education
14 program pursuant to s. 1002.41.

15 2. Be responsible for his or her own instructional
16 materials and transportation unless provided for otherwise.

17 (b) Each career technical center, community college,
18 and state university shall:

19 1. Delineate courses and programs for dually enrolled
20 home education students. Courses and programs may be added,
21 revised, or deleted at any time.

22 2. Identify eligibility criteria for home education
23 student participation, not to exceed those required of other
24 dually enrolled students.

25 Section 110. Subsection (1) of section 1008.37,
26 Florida Statutes, is amended to read:

27 1008.37 Postsecondary feedback of information to high
28 schools.--

29 (1) The State Board of Education shall adopt rules
30 that require the Commissioner of Education to report to the
31 State Board of Education, the Legislature, and the district

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1 school boards on the performance of each
2 first-time-in-postsecondary education student from each public
3 high school in this state who is enrolled in a public
4 postsecondary institution or public career technical center.
5 Such reports must be based on information databases maintained
6 by the Department of Education. In addition, the public
7 postsecondary educational institutions and career technical
8 centers shall provide district school boards access to
9 information on student performance in regular and preparatory
10 courses and shall indicate students referred for remediation
11 pursuant to s. 1004.91 or s. 1008.30.

12 Section 111. Paragraph (b) of subsection (1) of
13 section 1008.385, Florida Statutes, is amended to read:

14 1008.385 Educational planning and information
15 systems.--

16 (1) EDUCATIONAL PLANNING.--

17 (b) Each district school board shall maintain a
18 continuing system of planning and budgeting designed to aid in
19 identifying and meeting the educational needs of students and
20 the public. Provision shall be made for coordination between
21 district school boards and community college boards of
22 trustees concerning the planning for career ~~and-technical~~
23 education and adult educational programs. The major emphasis
24 of the system shall be upon locally determined goals and
25 objectives, the state plan for education, and the Sunshine
26 State Standards developed by the Department of Education and
27 adopted by the State Board of Education. The district planning
28 and budgeting system must include consideration of student
29 achievement data obtained pursuant to ss. 1008.22 and 1008.34.
30 The system shall be structured to meet the specific management
31 needs of the district and to align the budget adopted by the

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1 district school board with the plan the board has also
2 adopted. Each district school board shall utilize its system
3 of planning and budgeting to emphasize a system of
4 school-based management in which individual school centers
5 become the principal planning units and to integrate planning
6 and budgeting at the school level.

7 Section 112. Section 1008.405, Florida Statutes, is
8 amended to read:

9 1008.405 Adult student information.--Each school
10 district and community college shall maintain sufficient
11 information for each student enrolled in workforce ~~development~~
12 education to allow local and state administrators to locate
13 such student upon the termination of instruction and to
14 determine the appropriateness of student placement in specific
15 instructional programs. The State Board of Education shall
16 adopt, in rule, specific information that must be maintained
17 and acceptable means of maintaining that information.

18 Section 113. Subsections (1) and (2) of section
19 1008.41, Florida Statutes, are amended to read:

20 1008.41 Workforce ~~Development~~ education; management
21 information system.--

22 (1) The Commissioner of Education shall coordinate
23 uniform program structures, common definitions, and uniform
24 management information systems for workforce ~~development~~
25 education for all divisions within the department. In
26 performing these functions, the commissioner shall designate
27 deadlines after which data elements may not be changed for the
28 coming fiscal or school year. School districts and community
29 colleges shall be notified of data element changes at least 90
30 days prior to the start of the subsequent fiscal or school
31 year. Such systems must provide for:

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1 (a) Individual student reporting.

2 (b) Compliance with state and federal confidentiality
3 requirements, except that the department shall have access to
4 the unemployment insurance wage reports to collect and report
5 placement information about former students. Such placement
6 reports must not disclose the individual identities of former
7 students.

8 (c) Maximum use of automated technology and records in
9 existing data bases and data systems. To the extent feasible,
10 the Florida Information Resource Network shall be employed for
11 this purpose.

12 (d) Annual reports of student enrollment, completion,
13 and placement by program.

14 (2) The State Board of Education shall identify, by
15 rule, the components to be included in the workforce
16 ~~development~~ education management information system. All such
17 components shall be comparable between school districts and
18 community colleges.

19 Section 114. Subsection (2) of section 1008.42,
20 Florida Statutes, is amended to read:

21 1008.42 Public information on career ~~and-technical~~
22 education programs.--

23 (2) The dissemination shall be conducted in accordance
24 with the following procedures:

25 (a) Annually, the Department of Education shall
26 publish the placement rates and average quarterly earnings for
27 students who complete each type of career ~~technical~~
28 certificate program and career ~~technical~~ degree program. This
29 information must be aggregated to the state level and must be
30 included in any accountability reports. A program that was
31 created or modified so that placement rates cannot be

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1 calculated must be so identified in such reports.

2 (b)1. Each district school board shall publish, at a
3 minimum, the most recently available placement rate for each
4 career technical certificate program conducted by that school
5 district at the secondary school level and at the career
6 technical degree level. The placement rates for the preceding
7 3 years shall be published if available, shall be included in
8 each publication that informs the public of the availability
9 of the program, and shall be made available to each school
10 guidance counselor. If a program does not have a placement
11 rate, a publication that lists or describes that program must
12 state that the rate is unavailable.

13 2. Each community college shall publish, at a minimum,
14 the most recent placement rate for each career technical
15 certificate program and for each career technical degree
16 program in its annual catalog. The placement rates for the
17 preceding 3 years shall be published, if available, and shall
18 be included in any publication that informs the public of the
19 availability of the program. If a program does not have a
20 placement rate, the publication that lists or describes that
21 program must state that the rate is unavailable.

22 3. If a school district or a community college has
23 calculated for a program a placement rate that differs from
24 the rate reported by the department, and if each record of a
25 placement was obtained through a process that was capable of
26 being audited, procedurally sound, and consistent statewide,
27 the district or the community college may use the locally
28 calculated placement rate in the report required by this
29 section. However, that rate may not be combined with the rate
30 maintained in the computer files of the Department of
31 Education's Florida Education and Training Placement

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1 Information Program.

2 4. An independent career ~~and-technical~~, trade, or
3 business school may not publish a placement rate unless the
4 placement rate was determined as provided by this section.

5 Section 115. Paragraphs (a) and (c) of subsection (1)
6 and subsection (2) of section 1008.43, Florida Statutes, are
7 amended to read:

8 1008.43 Career ~~and-technical~~ program reporting
9 requirements.--

10 (1)(a) The Department of Education shall develop a
11 system of performance measures in order to evaluate the career
12 ~~and technical~~ education programs as required in s. 1008.42.
13 This system must measure program enrollment, completion rates,
14 placement rates, and amount of earnings at the time of
15 placement. Placement and employment information, where
16 applicable, shall contain data relevant to job retention,
17 including retention rates. The State Board of Education shall
18 adopt by rule the specific measures and any definitions needed
19 to establish the system of performance measures.

20 (c) The State Board of Education shall adopt standards
21 for the department, district school boards, and community
22 college district boards of trustees to use in program
23 planning, program review, and program evaluation. The
24 standards must include, at a minimum, the completion rates,
25 placement rates, and earnings from employment of former
26 students of career ~~and-technical~~ education programs.

27 (2) The State Board of Education shall adopt
28 procedures for reviewing the career ~~and-technical~~ education
29 programs administered by the district school boards and the
30 community college district boards of trustees when program
31 performance falls below the standards required by this

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1 section.

2 Section 116. Paragraphs (d) and (f) of subsection (1)
3 of section 1008.45, Florida Statutes, are amended to read:

4 1008.45 Community college accountability process.--

5 (1) It is the intent of the Legislature that a
6 management and accountability process be implemented which
7 provides for the systematic, ongoing improvement and
8 assessment of the improvement of the quality and efficiency of
9 the Florida community colleges. Accordingly, the State Board
10 of Education and the community college boards of trustees
11 shall develop and implement an accountability plan to improve
12 and evaluate the instructional and administrative efficiency
13 and effectiveness of the Florida Community College System.
14 This plan shall be designed in consultation with staff of the
15 Governor and the Legislature and must address the following
16 issues:

17 (d) Job placement rates of community college career
18 and ~~technical~~ students.

19 (f) Career ~~and-technical~~ accountability standards
20 identified in s. 1008.42.

21 Section 117. Subsection (14) of section 1009.23,
22 Florida Statutes, is amended to read:

23 1009.23 Community college student fees.--

24 (14) Each community college board of trustees shall
25 report only those students who have actually enrolled in
26 instruction provided or supervised by instructional personnel
27 under contract with the community college in calculations of
28 actual full-time equivalent enrollments for state funding
29 purposes. No student who has been exempted from taking a
30 course or who has been granted academic or career ~~technical~~
31 credit through means other than actual coursework completed at

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1 the granting institution shall be calculated for enrollment in
2 the course from which he or she has been exempted or granted
3 credit. Community colleges that report enrollments in
4 violation of this subsection shall be penalized at a rate
5 equal to two times the value of such enrollments. Such penalty
6 shall be charged against the following year's allocation from
7 the Community College Program Fund and shall revert to the
8 General Revenue Fund.

9 Section 118. Subsections (1) and (2) of section
10 1009.25, Florida Statutes, are amended to read:

11 1009.25 Fee exemptions.--

12 (1) The following students are exempt from any
13 requirement for the payment of tuition and fees, including lab
14 fees, for adult basic, adult secondary, or career-preparatory
15 ~~vocational-preparatory~~ instruction:

16 (a) A student who does not have a high school diploma
17 or its equivalent.

18 (b) A student who has a high school diploma or its
19 equivalent and who has academic skills at or below the eighth
20 grade level pursuant to state board rule. A student is
21 eligible for this exemption from fees if the student's skills
22 are at or below the eighth grade level as measured by a test
23 administered in the English language and approved by the
24 Department of Education, even if the student has skills above
25 that level when tested in the student's native language.

26 (2) The following students are exempt from the payment
27 of tuition and fees, including lab fees, at a school district
28 that provides postsecondary career ~~and-technical~~ programs,
29 community college, or state university:

30 (a) A student enrolled in a dual enrollment or early
31 admission program pursuant to s. 1007.27 or s. 1007.271.

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1 (b) A student enrolled in an approved apprenticeship
2 program, as defined in s. 446.021.

3 (c) A student to whom the state has awarded a
4 Road-to-Independence Scholarship, or who is or was at the time
5 he or she reached 18 years of age in the custody of a relative
6 under s. 39.5085, or who is adopted from the Department of
7 Children and Family Services after May 5, 1997. Such exemption
8 includes fees associated with enrollment in career-preparatory
9 ~~vocational-preparatory~~ instruction and completion of the
10 college-level communication and computation skills testing
11 program. Such an exemption is available to any student who was
12 in the custody of a relative under s. 39.5085 at the time he
13 or she reached 18 years of age or was adopted from the
14 Department of Children and Family Services after May 5, 1997;
15 however, the exemption remains valid for no more than 4 years
16 after the date of graduation from high school.

17 (d) A student enrolled in an employment and training
18 program under the welfare transition program. The regional
19 workforce board shall pay the state university, community
20 college, or school district for costs incurred for welfare
21 transition program participants.

22 (e) A student who lacks a fixed, regular, and adequate
23 nighttime residence or whose primary nighttime residence is a
24 public or private shelter designed to provide temporary
25 residence for individuals intended to be institutionalized, or
26 a public or private place not designed for, or ordinarily used
27 as, a regular sleeping accommodation for human beings.

28 (f) A student who is a proprietor, owner, or worker of
29 a company whose business has been at least 50 percent
30 negatively financially impacted by the buy-out of property
31 around Lake Apopka by the State of Florida. Such a student may

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1 receive a fee exemption only if the student has not received
2 compensation because of the buy-out, the student is designated
3 a Florida resident for tuition purposes, pursuant to s.
4 1009.21, and the student has applied for and been denied
5 financial aid, pursuant to s. 1009.40, which would have
6 provided, at a minimum, payment of all student fees. The
7 student is responsible for providing evidence to the
8 postsecondary education institution verifying that the
9 conditions of this paragraph have been met, including support
10 documentation provided by the Department of Revenue. The
11 student must be currently enrolled in, or begin coursework
12 within, a program area by fall semester 2000. The exemption is
13 valid for a period of 4 years from the date that the
14 postsecondary education institution confirms that the
15 conditions of this paragraph have been met.

16 Section 119. Paragraph (a) of subsection (1) of
17 section 1009.40, Florida Statutes, is amended to read:

18 1009.40 General requirements for student eligibility
19 for state financial aid.--

20 (1)(a) The general requirements for eligibility of
21 students for state financial aid awards consist of the
22 following:

23 1. Achievement of the academic requirements of and
24 acceptance at a state university or community college; a
25 nursing diploma school approved by the Florida Board of
26 Nursing; a Florida college, university, or community college
27 which is accredited by an accrediting agency recognized by the
28 State Board of Education; any Florida institution the credits
29 of which are acceptable for transfer to state universities;
30 any career technical center; or any private career technical
31 institution accredited by an accrediting agency recognized by

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1 the State Board of Education.

2 2. Residency in this state for no less than 1 year
3 preceding the award of aid for a program established pursuant
4 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54,
5 s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
6 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s.
7 1009.89. Residency in this state must be for purposes other
8 than to obtain an education. Resident status for purposes of
9 receiving state financial aid awards shall be determined in
10 the same manner as resident status for tuition purposes
11 pursuant to s. 1009.21 and rules of the State Board of
12 Education.

13 3. Submission of certification attesting to the
14 accuracy, completeness, and correctness of information
15 provided to demonstrate a student's eligibility to receive
16 state financial aid awards. Falsification of such information
17 shall result in the denial of any pending application and
18 revocation of any award currently held to the extent that no
19 further payments shall be made. Additionally, students who
20 knowingly make false statements in order to receive state
21 financial aid awards shall be guilty of a misdemeanor of the
22 second degree subject to the provisions of s. 837.06 and shall
23 be required to return all state financial aid awards
24 wrongfully obtained.

25 Section 120. Subsection (2) of section 1009.532,
26 Florida Statutes, is amended to read:

27 1009.532 Florida Bright Futures Scholarship Program;
28 student eligibility requirements for renewal awards.--

29 (2) A student who is enrolled in a program that
30 terminates in an associate degree or a baccalaureate degree
31 may receive an award for a maximum of 110 percent of the

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1 number of credit hours required to complete the program. A
2 student who is enrolled in a program that terminates in a
3 career technical certificate may receive an award for a
4 maximum of 110 percent of the credit hours or clock hours
5 required to complete the program up to 90 credit hours. A
6 student who transfers from one of these program levels to
7 another becomes eligible for the higher of the two credit hour
8 limits.

9 Section 121. Subsection (1) of section 1009.533,
10 Florida Statutes, is amended to read:

11 1009.533 Florida Bright Futures Scholarship Program;
12 eligible postsecondary education institutions.--A student is
13 eligible for an award or the renewal of an award from the
14 Florida Bright Futures Scholarship Program if the student
15 meets the requirements for the program as described in this
16 act and is enrolled in a postsecondary education institution
17 that meets the description in any one of the following
18 subsections:

19 (1) A Florida public university, community college, or
20 career technical center.

21 Section 122. Section 1009.536, Florida Statutes, is
22 amended to read:

23 1009.536 Florida Gold Seal Vocational Scholars
24 award.--The Florida Gold Seal Vocational Scholars award is
25 created within the Florida Bright Futures Scholarship Program
26 to recognize and reward academic achievement and career ~~and~~
27 ~~technical~~ preparation by high school students who wish to
28 continue their education.

29 (1) A student is eligible for a Florida Gold Seal
30 Vocational Scholars award if the student meets the general
31 eligibility requirements for the Florida Bright Futures

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1 Scholarship Program and the student:

2 (a) Completes the secondary school portion of a
3 sequential program of studies that requires at least three
4 secondary school career ~~and-technical~~ credits taken over at
5 least 2 academic years, and is continued in a planned, related
6 postsecondary education program. If the student's school does
7 not offer such a two-plus-two or tech-prep program, the
8 student must complete a job-preparatory career education
9 program selected by the Workforce Estimating Conference or
10 Workforce Florida, Inc., for its ability to provide high-wage
11 employment in an occupation with high potential for employment
12 opportunities. On-the-job training may not be substituted for
13 any of the three required career ~~and-technical~~ credits.

14 (b) Demonstrates readiness for postsecondary education
15 by earning a passing score on the Florida College Entry Level
16 Placement Test or its equivalent as identified by the
17 Department of Education.

18 (c) Earns a minimum cumulative weighted grade point
19 average of 3.0, as calculated pursuant to s. 1009.531, on all
20 subjects required for a standard high school diploma,
21 excluding elective courses.

22 (d) Earns a minimum unweighted grade point average of
23 3.5 on a 4.0 scale for secondary career ~~and-technical~~ courses
24 comprising the career ~~and-technical~~ program.

25 (2) A Florida Gold Seal Vocational Scholar is eligible
26 for an award equal to the amount required to pay 75 percent of
27 tuition and fees, if the student is enrolled in a public
28 postsecondary education institution. A student who is enrolled
29 in a nonpublic postsecondary education institution is eligible
30 for an award equal to the amount that would be required to pay
31 75 percent of the tuition and mandatory fees of a public

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1 postsecondary education institution at the comparable level.

2 (3) To be eligible for a renewal award as a Florida
3 Gold Seal Vocational Scholar, a student must maintain the
4 equivalent of a cumulative grade point average of 2.75 on a
5 4.0 scale with an opportunity for reinstatement one time as
6 provided in this chapter.

7 (4) A student may earn a Florida Gold Seal Vocational
8 Scholarship for 110 percent of the number of credit hours
9 required to complete the program, up to 90 credit hours or the
10 equivalent. A Florida Gold Seal Scholar who has a cumulative
11 grade point average of 2.75 in all postsecondary education
12 work attempted may apply for a Florida Medallion Scholars
13 award at any renewal period. All other provisions of that
14 program apply, and the credit-hour limitation must be
15 calculated by subtracting from the student's total eligibility
16 the number of credit hours the student attempted while earning
17 the Gold Seal Vocational Scholarship.

18 Section 123. Paragraph (d) of subsection (2) and
19 paragraph (c) of subsection (3) of section 1009.55, Florida
20 Statutes, are amended to read:

21 1009.55 Rosewood Family Scholarship Program.--

22 (2) The Rosewood Family Scholarship Program shall be
23 administered by the Department of Education. The State Board
24 of Education shall adopt rules for administering this program
25 which shall at a minimum provide for the following:

26 (d) Payment of an award shall be transmitted in
27 advance of the registration period each semester on behalf of
28 the student to the president of the university or community
29 college, or his or her representative, or to the director of
30 the career center ~~technical-school~~ which the recipient is
31 attending.

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1 (3) Beginning with the 1994-1995 academic year, the
2 department is authorized to make awards for undergraduate
3 study to students who:

4 (c) Enroll as certificate-seeking or degree-seeking
5 students at a state university, community college, or career
6 center technical-school authorized by law.

7 Section 124. Paragraph (c) of subsection (1) of
8 section 1009.61, Florida Statutes, is amended to read:

9 1009.61 Teacher/Quest Scholarship Program.--The
10 Teacher/Quest Scholarship Program is created for the purpose
11 of providing teachers with the opportunity to enhance their
12 knowledge of science, mathematics, and computer applications
13 in business, industry, and government. A school district or
14 developmental research school may propose that one or more
15 teachers be granted a Teacher/Quest Scholarship by submitting
16 to the Department of Education:

17 (1) A project proposal specifying activities a teacher
18 will carry out to improve his or her:

19 (c) Knowledge of career ~~and technical~~ requirements for
20 competency in mathematics, science, and computing; and

21 Section 125. Subsection (4) and paragraph (a) of
22 subsection (6) of section 1009.64, Florida Statutes, are
23 amended to read:

24 1009.64 Certified Education Paraprofessional Welfare
25 Transition Program.--

26 (4) The agencies shall complete an implementation plan
27 that addresses at least the following recommended components
28 of the program:

29 (a) A method of selecting participants. The method
30 must not duplicate services provided by those assigned to
31 screen participants of the welfare transition program, but

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1 must assure that screening personnel are trained to identify
2 recipients of public assistance whose personal aptitudes and
3 motivation make them most likely to succeed in the program and
4 advance in a career related to the school community.

5 (b) A budget for use of incentive funding to provide
6 motivation to participants to succeed and excel. The budget
7 for incentive funding includes:

8 1. Funds allocated by the Legislature directly for the
9 program.

10 2. Funds that may be made available from the federal
11 Workforce Investment Act based on client eligibility or
12 requested waivers to make the clients eligible.

13 3. Funds made available by implementation strategies
14 that would make maximum use of work supplementation funds
15 authorized by federal law.

16 4. Funds authorized by strategies to lengthen
17 participants' eligibility for federal programs such as
18 Medicaid, subsidized child care, and transportation.

19
20 Incentives may include a stipend during periods of college
21 classroom training, a bonus and recognition for a high
22 grade-point average, child care and prekindergarten services
23 for children of participants, and services to increase a
24 participant's ability to advance to higher levels of
25 employment. Nonfinancial incentives should include providing a
26 mentor or tutor, and service incentives should continue and
27 increase for any participant who plans to complete the
28 baccalaureate degree and become a certified teacher. Services
29 may be provided in accordance with family choice by community
30 colleges and school district career technical centers, through
31 family service centers and full-service schools, or under

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1 contract with providers through central agencies.

2 (6)(a) A community college or school district career
3 ~~technical~~ center is eligible to participate if it provides a
4 career ~~technical~~ certificate program in Child Development
5 Early Intervention as approved by Workforce Florida, Inc.
6 Priority programs provide an option and incentives to
7 articulate with an associate in science degree program or a
8 baccalaureate degree program.

9 Section 126. Subsection (3) of section 1009.98,
10 Florida Statutes, is amended to read:

11 1009.98 Florida Prepaid College Program.--

12 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
13 COLLEGES AND UNIVERSITIES AND TO CAREER ~~AREA-TECHNICAL~~
14 CENTERS.--A qualified beneficiary may apply the benefits of an
15 advance payment contract toward:

16 (a) An independent college or university that is
17 located and chartered in Florida, that is not for profit, that
18 is accredited by the Commission on Colleges of the Southern
19 Association of Colleges and Schools or the Accrediting Council
20 for Independent Colleges and Schools, and that confers degrees
21 as defined in s. 1005.02.

22 (b) An out-of-state college or university that is not
23 for profit and is accredited by a regional accrediting
24 association, and that confers degrees.

25 (c) An applied technology diploma program or career
26 ~~technical~~ certificate program conducted by a community college
27 listed in s. 1004.02(2) or career ~~technical~~ center operated by
28 a district school board.

29
30 The board shall transfer or cause to be transferred to the
31 institution designated by the qualified beneficiary an amount

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1 not to exceed the redemption value of the advance payment
2 contract at a state postsecondary institution. If the cost of
3 registration or housing fees at such institution is less than
4 the corresponding fees at a state postsecondary institution,
5 the amount transferred may not exceed the actual cost of
6 registration and housing fees. A transfer authorized under
7 this subsection may not exceed the number of semester credit
8 hours or semesters of dormitory residence contracted on behalf
9 of a qualified beneficiary. Notwithstanding any other
10 provision in this section, an institution must be an "eligible
11 educational institution" under s. 529 of the Internal Revenue
12 Code to be eligible for the transfer of advance payment
13 contract benefits.

14 Section 127. Paragraph (a) of subsection (3) of
15 section 1010.20, Florida Statutes, is amended to read:

16 1010.20 Cost accounting and reporting for school
17 districts.--

18 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

19 (a) Each district shall expend at least the percent of
20 the funds generated by each of the programs listed in this
21 section on the aggregate total school costs for such programs:

- 22 1. Kindergarten and grades 1, 2, and 3, 90 percent.
- 23 2. Grades 4, 5, 6, 7, and 8, 80 percent.
- 24 3. Grades 9, 10, 11, and 12, 80 percent.
- 25 4. Programs for exceptional students, on an aggregate
26 program basis, 90 percent.
- 27 5. Grades 7 through 12 career ~~and technical~~ education
28 programs, on an aggregate program basis, 80 percent.
- 29 6. Students-at-risk programs, on an aggregate program
30 basis, 80 percent.
- 31 7. Juvenile justice programs, on an aggregate program

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1 basis, 80 percent.

2 8. Any new program established and funded under s.
3 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
4 on an aggregate basis as appropriate, 80 percent.

5 Section 128. Subsection (1) of section 1010.58,
6 Florida Statutes, is amended to read:

7 1010.58 Procedure for determining number of
8 instruction units for community colleges.--The number of
9 instruction units for community colleges shall be determined
10 from the full-time equivalent students in the community
11 college, provided that full-time equivalent students may not
12 be counted more than once in determining instruction units.
13 Instruction units for community colleges shall be computed as
14 follows:

15 (1) One unit for each 12 full-time equivalent students
16 at a community college for the first 420 students and one unit
17 for each 15 full-time equivalent students for all over 420
18 students, in other than career ~~and-technical~~ education
19 programs as defined by rules of the State Board of Education,
20 and one unit for each 10 full-time equivalent students in
21 career ~~and-technical~~ education programs and compensatory
22 education programs as defined by rules of the State Board of
23 Education. Full-time equivalent students enrolled in a
24 community college shall be defined by rules of the State Board
25 of Education.

26 Section 129. Paragraphs (c), (d), and (e) of
27 subsection (1) of section 1011.62, Florida Statutes, are
28 amended to read:

29 1011.62 Funds for operation of schools.--If the annual
30 allocation from the Florida Education Finance Program to each
31 district for operation of schools is not determined in the

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1 annual appropriations act or the substantive bill implementing
2 the annual appropriations act, it shall be determined as
3 follows:

4 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
5 OPERATION.--The following procedure shall be followed in
6 determining the annual allocation to each district for
7 operation:

8 (c) Determination of programs.--Cost factors based on
9 desired relative cost differences between the following
10 programs shall be established in the annual General
11 Appropriations Act. The Commissioner of Education shall
12 specify a matrix of services and intensity levels to be used
13 by districts in the determination of the two weighted cost
14 factors for exceptional students with the highest levels of
15 need. For these students, the funding support level shall fund
16 the exceptional students' education program, with the
17 exception of extended school year services for students with
18 disabilities.

19 1. Basic programs.--

20 a. Kindergarten and grades 1, 2, and 3.

21 b. Grades 4, 5, 6, 7, and 8.

22 c. Grades 9, 10, 11, and 12.

23 2. Programs for exceptional students.--

24 a. Support Level IV.

25 b. Support Level V.

26 3. Secondary career ~~and-technical~~ education
27 programs.--

28 4. English for Speakers of Other Languages.--

29 (d) Annual allocation calculation.--

30 1. The Department of Education is authorized and
31 directed to review all district programs and enrollment

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1 projections and calculate a maximum total weighted full-time
2 equivalent student enrollment for each district for the K-12
3 FEFP.

4 2. Maximum enrollments calculated by the department
5 shall be derived from enrollment estimates used by the
6 Legislature to calculate the FEFP. If two or more districts
7 enter into an agreement under the provisions of s.
8 1001.42(4)(d), after the final enrollment estimate is agreed
9 upon, the amount of FTE specified in the agreement, not to
10 exceed the estimate for the specific program as identified in
11 paragraph (c), may be transferred from the participating
12 districts to the district providing the program.

13 3. As part of its calculation of each district's
14 maximum total weighted full-time equivalent student
15 enrollment, the department shall establish separate enrollment
16 ceilings for each of two program groups. Group 1 shall be
17 composed of basic programs for grades K-3, grades 4-8, and
18 grades 9-12. Group 2 shall be composed of students in
19 exceptional student education programs, English for Speakers
20 of Other Languages programs, and all career ~~and-technical~~
21 programs in grades 7-12.

22 a. The weighted enrollment ceiling for group 2
23 programs shall be calculated by multiplying the final
24 enrollment conference estimate for each program by the
25 appropriate program weight. The weighted enrollment ceiling
26 for program group 2 shall be the sum of the weighted
27 enrollment ceilings for each program in the program group,
28 plus the increase in weighted full-time equivalent student
29 membership from the prior year for clients of the Department
30 of Children and Family Services and the Department of Juvenile
31 Justice.

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1 b. If, for any calculation of the FEFP, the weighted
2 enrollment for program group 2, derived by multiplying actual
3 enrollments by appropriate program weights, exceeds the
4 enrollment ceiling for that group, the following procedure
5 shall be followed to reduce the weighted enrollment for that
6 group to equal the enrollment ceiling:

7 (I) The weighted enrollment ceiling for each program
8 in the program group shall be subtracted from the weighted
9 enrollment for that program derived from actual enrollments.

10 (II) If the difference calculated under
11 sub-sub-subparagraph (I) is greater than zero for any program,
12 a reduction proportion shall be computed for the program by
13 dividing the absolute value of the difference by the total
14 amount by which the weighted enrollment for the program group
15 exceeds the weighted enrollment ceiling for the program group.

16 (III) The reduction proportion calculated under
17 sub-sub-subparagraph (II) shall be multiplied by the total
18 amount of the program group's enrollment over the ceiling as
19 calculated under sub-sub-subparagraph (I).

20 (IV) The prorated reduction amount calculated under
21 sub-sub-subparagraph (III) shall be subtracted from the
22 program's weighted enrollment. For any calculation of the
23 FEFP, the enrollment ceiling for group 1 shall be calculated
24 by multiplying the actual enrollment for each program in the
25 program group by its appropriate program weight.

26 c. For program group 2, the weighted enrollment
27 ceiling shall be a number not less than the sum obtained by:

28 (I) Multiplying the sum of reported FTE for all
29 programs in the program group that have a cost factor of 1.0
30 or more by 1.0, and

31 (II) By adding this number to the sum obtained by

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1 multiplying the projected FTE for all programs with a cost
2 factor less than 1.0 by the actual cost factor.

3 4. Following completion of the weighted enrollment
4 ceiling calculation as provided in subparagraph 3., a
5 supplemental capping calculation shall be employed for those
6 districts that are over their weighted enrollment ceiling. For
7 each such district, the total reported unweighted FTE
8 enrollment for group 2 programs shall be compared with the
9 total appropriated unweighted FTE enrollment for group 2
10 programs. If the total reported unweighted FTE for group 2 is
11 greater than the appropriated unweighted FTE, then the excess
12 unweighted FTE up to the unweighted FTE transferred from group
13 2 to group 1 for each district by the Public School FTE
14 Estimating Conference shall be funded at a weight of 1.0 and
15 added to the funded weighted FTE computed in subparagraph 3.

16 (e) Funding model for exceptional student education
17 programs.--

18 1.a. The funding model uses basic, at-risk, support
19 levels IV and V for exceptional students and career and
20 ~~technical~~ Florida Education Finance Program cost factors, and
21 a guaranteed allocation for exceptional student education
22 programs. Exceptional education cost factors are determined by
23 using a matrix of services to document the services that each
24 exceptional student will receive. The nature and intensity of
25 the services indicated on the matrix shall be consistent with
26 the services described in each exceptional student's
27 individual educational plan.

28 b. In order to generate funds using one of the two
29 weighted cost factors, a matrix of services must be completed
30 at the time of the student's initial placement into an
31 exceptional student education program and at least once every

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1 3 years by personnel who have received approved training.
2 Nothing listed in the matrix shall be construed as limiting
3 the services a school district must provide in order to ensure
4 that exceptional students are provided a free, appropriate
5 public education.

6 c. Students identified as exceptional, in accordance
7 with chapter 6A-6, Florida Administrative Code, who do not
8 have a matrix of services as specified in sub-subparagraph b.
9 shall generate funds on the basis of full-time-equivalent
10 student membership in the Florida Education Finance Program at
11 the same funding level per student as provided for basic
12 students. Additional funds for these exceptional students will
13 be provided through the guaranteed allocation designated in
14 subparagraph 2.

15 2. For students identified as exceptional who do not
16 have a matrix of services, there is created a guaranteed
17 allocation to provide these students with a free appropriate
18 public education, in accordance with s. 1001.42(4)(m) and
19 rules of the State Board of Education, which shall be
20 allocated annually to each school district in the amount
21 provided in the General Appropriations Act. These funds shall
22 be in addition to the funds appropriated on the basis of FTE
23 student membership in the Florida Education Finance Program,
24 and the amount allocated for each school district shall not be
25 recalculated during the year. These funds shall be used to
26 provide special education and related services for exceptional
27 students.

28 Section 130. Paragraph (d) of subsection (1) of
29 section 1011.68, Florida Statutes, is amended to read:

30 1011.68 Funds for student transportation.--The annual
31 allocation to each district for transportation to public

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1 school programs, including charter schools as provided in s.
2 1002.33(17)(b), of students in membership in kindergarten
3 through grade 12 and in migrant and exceptional student
4 programs below kindergarten shall be determined as follows:

5 (1) Subject to the rules of the State Board of
6 Education, each district shall determine the membership of
7 students who are transported:

8 (d) By reason of being career ~~and-technical~~, dual
9 enrollment, or students with disabilities transported from one
10 school center to another to participate in an instructional
11 program or service; or students with disabilities, transported
12 from one designation to another in the state, provided one
13 designation is a school center and provided the student's
14 individual educational plan (IEP) identifies the need for the
15 instructional program or service and transportation to be
16 provided by the school district. A "school center" is defined
17 as a public school center, community college, state
18 university, or other facility rented, leased, or owned and
19 operated by the school district or another public agency. A
20 "dual enrollment student" is defined as a public school
21 student in membership in both a public secondary school
22 program and a community college or a state university program
23 under a written agreement to partially fulfill ss. 1003.435
24 and 1007.23 and earning full-time equivalent membership under
25 s. 1011.62(1)(i).

26 Section 131. Paragraph (a) of subsection (2),
27 subsection (3), and paragraph (b) of subsection (6) of section
28 1012.01, Florida Statutes, are amended to read:

29 1012.01 Definitions.--Specific definitions shall be as
30 follows, and wherever such defined words or terms are used in
31 the Florida K-20 Education Code, they shall be used as

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1 follows:

2 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
3 personnel" means any staff member whose function includes the
4 provision of direct instructional services to students.
5 Instructional personnel also includes personnel whose
6 functions provide direct support in the learning process of
7 students. Included in the classification of instructional
8 personnel are:

9 (a) Classroom teachers.--Classroom teachers are staff
10 members assigned the professional activity of instructing
11 students in courses in classroom situations, including basic
12 instruction, exceptional student education, career and
13 ~~technical~~ education, and adult education, including substitute
14 teachers.

15 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
16 personnel" includes personnel who perform management
17 activities such as developing broad policies for the school
18 district and executing those policies through the direction of
19 personnel at all levels within the district. Administrative
20 personnel are generally high-level, responsible personnel who
21 have been assigned the responsibilities of systemwide or
22 schoolwide functions, such as district school superintendents,
23 assistant superintendents, deputy superintendents, school
24 principals, assistant principals, career ~~technical~~ center
25 directors, and others who perform management activities. Broad
26 classifications of administrative personnel are as follows:

27 (a) District-based instructional
28 administrators.--Included in this classification are persons
29 with district-level administrative or policymaking duties who
30 have broad authority for management policies and general
31 school district operations related to the instructional

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1 program. Such personnel often report directly to the district
2 school superintendent and supervise other administrative
3 employees. This classification includes assistant, associate,
4 or deputy superintendents and directors of major instructional
5 areas, such as curriculum, federal programs such as Title I,
6 specialized instructional program areas such as exceptional
7 student education, career ~~and technical~~ education, and similar
8 areas.

9 (b) District-based noninstructional
10 administrators.--Included in this classification are persons
11 with district-level administrative or policymaking duties who
12 have broad authority for management policies and general
13 school district operations related to the noninstructional
14 program. Such personnel often report directly to the district
15 school superintendent and supervise other administrative
16 employees. This classification includes assistant, associate,
17 or deputy superintendents and directors of major
18 noninstructional areas, such as personnel, construction,
19 facilities, transportation, data processing, and finance.

20 (c) School administrators.--Included in this
21 classification are:

22 1. School principals or school directors who are staff
23 members performing the assigned activities as the
24 administrative head of a school and to whom have been
25 delegated responsibility for the coordination and
26 administrative direction of the instructional and
27 noninstructional activities of the school. This classification
28 also includes career ~~technical~~ center directors.

29 2. Assistant principals who are staff members
30 assisting the administrative head of the school. This
31 classification also includes assistant principals for

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1 curriculum and administration.

2 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
3 support employees" means employees whose job functions are
4 neither administrative nor instructional, yet whose work
5 supports the educational process.

6 (b) Technicians are individuals whose occupations
7 require a combination of knowledge and manual skill which can
8 be obtained through about 2 years of post-high school
9 education, such as is offered in many career centers ~~technical~~
10 ~~institutes~~ and community colleges, or through equivalent
11 on-the-job training.

12 Section 132. Paragraph (c) of subsection (1) of
13 section 1012.39, Florida Statutes, is amended to read:

14 1012.39 Employment of substitute teachers, teachers of
15 adult education, nondegreed teachers of career education, and
16 career specialists; students performing clinical field
17 experience.--

18 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
19 1012.57, or any other provision of law or rule to the
20 contrary, each district school board shall establish the
21 minimal qualifications for:

22 (c) Part-time and full-time nondegreed teachers of
23 career ~~and-technical~~ programs. Qualifications shall be
24 established for agriculture, business, health occupations,
25 family and consumer sciences, industrial, marketing, career
26 specialist, and public service education teachers, based
27 primarily on successful occupational experience rather than
28 academic training. The qualifications for such teachers shall
29 require:

30 1. The filing of a complete set of fingerprints in the
31 same manner as required by s. 1012.32. Faculty employed solely

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1 to conduct postsecondary instruction may be exempted from this
2 requirement.

3 2. Documentation of education and successful
4 occupational experience including documentation of:

5 a. A high school diploma or the equivalent.

6 b. Completion of 6 years of full-time successful
7 occupational experience or the equivalent of part-time
8 experience in the teaching specialization area. Alternate
9 means of determining successful occupational experience may be
10 established by the district school board.

11 c. Completion of career education training conducted
12 through the local school district inservice master plan.

13 d. For full-time teachers, completion of professional
14 education training in teaching methods, course construction,
15 lesson planning and evaluation, and teaching special needs
16 students. This training may be completed through coursework
17 from an accredited or approved institution or an approved
18 district teacher education program.

19 e. Demonstration of successful teaching performance.

20 Section 133. Section 1012.41, Florida Statutes, is
21 amended to read:

22 1012.41 Employment of directors of career ~~and~~
23 ~~technical~~ education.--In order to receive state funding, each
24 district school board that employs at least 15 full-time
25 equivalent career ~~and-technical~~ teachers must employ a
26 director of career ~~and-technical~~ education who meets the
27 certification requirements established by the State Board of
28 Education. The directors shall be directly accountable to the
29 district school superintendent, or his or her designee, for
30 the planning and implementation of career ~~and-technical~~
31 programs. Two or more district school boards may employ a

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1 single director.

2 Section 134. Section 1012.43, Florida Statutes, is
3 amended to read:

4 1012.43 Career ~~and-technical~~ teachers.--

5 (1) Career ~~and-technical~~ teachers and other teachers
6 who qualify for certificates on the basis of nonacademic
7 preparation shall be entitled to all the contractual rights
8 and privileges now granted to other instructional personnel
9 holding equivalent certificates.

10 (2) A holder of a certificate based on nonacademic
11 preparation which entitled him or her to employment to teach
12 classes in career ~~and-technical~~ or adult education shall not
13 be assigned to teach in a regular academic field of the
14 kindergarten through grade 12 school program.

15 Section 135. Paragraph (a) of subsection (10) of
16 section 1013.03, Florida Statutes, is amended to read:

17 1013.03 Functions of the department.--The functions of
18 the Department of Education as it pertains to educational
19 facilities shall include, but not be limited to, the
20 following:

21 (10)(a) Review and validate surveys proposed or
22 amended by the boards and recommend to the Commissioner of
23 Education, for approval, surveys that meet the requirements of
24 this chapter.

25 1. The term "validate" as applied to surveys by school
26 districts means to review inventory data as submitted to the
27 department by district school boards; provide for review and
28 inspection, where required, of student stations and aggregate
29 square feet of inventory changed from satisfactory to
30 unsatisfactory or changed from unsatisfactory to satisfactory;
31 compare new school inventory to allocation limits provided by

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1 this chapter; review cost projections for conformity with cost
2 limits set by s. 1013.64(6); compare total capital outlay
3 full-time equivalent enrollment projections in the survey with
4 the department's projections; review facilities lists to
5 verify that student station and auxiliary facility space
6 allocations do not exceed the limits provided by this chapter
7 and related rules; review and confirm the application of
8 uniform facility utilization factors, where provided by this
9 chapter or related rules; utilize the documentation of
10 programs offered per site, as submitted by the board, to
11 analyze facility needs; confirm that need projections for
12 career ~~and-technical~~ and adult educational programs comply
13 with needs documented by the Office of Workforce and Economic
14 Development; and confirm the assignment of full-time student
15 stations to all space except auxiliary facilities, which, for
16 purposes of exemption from student station assignment, include
17 the following:

- 18 a. Cafeterias.
- 19 b. Multipurpose dining areas.
- 20 c. Media centers.
- 21 d. Auditoriums.
- 22 e. Administration.
- 23 f. Elementary, middle, and high school resource rooms,
24 up to the number of such rooms recommended for the applicable
25 occupant and space design capacity of the educational plant in
26 the State Requirements for Educational Facilities, beyond
27 which student stations must be assigned.
- 28 g. Elementary school skills labs, up to the number of
29 such rooms recommended for the applicable occupant and space
30 design capacity of the educational plant in the State
31 Requirements for Educational Facilities, beyond which student

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1 stations must be assigned.

2 h. Elementary school art and music rooms.

3 2. The term "validate" as applied to surveys by
4 community colleges and universities means to review and
5 document the approval of each new site and official
6 designation, where applicable; review the inventory database
7 as submitted by each board to the department, including
8 noncareer ~~and-technical~~, and total capital outlay full-time
9 equivalent enrollment projections per site and per college;
10 provide for the review and inspection, where required, of
11 student stations and aggregate square feet of space changed
12 from satisfactory to unsatisfactory; utilize and review the
13 documentation of programs offered per site submitted by the
14 boards as accurate for analysis of space requirements and
15 needs; confirm that needs projected for career ~~and-technical~~
16 and adult educational programs comply with needs documented by
17 the Office of Workforce and Economic Development; compare new
18 facility inventory to allocations limits as provided in this
19 chapter; review cost projections for conformity with state
20 averages or limits designated by this chapter; compare student
21 enrollment projections in the survey to the department's
22 projections; review facilities lists to verify that area
23 allocations and space factors for generating space needs do
24 not exceed the limits as provided by this chapter and related
25 rules; confirm the application of facility utilization factors
26 as provided by this chapter and related rules; and review, as
27 submitted, documentation of how survey recommendations will
28 implement the detail of current campus master plans and
29 integrate with local comprehensive plans and development
30 regulations.

31 Section 136. Paragraph (b) of subsection (1) of

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1 section 1013.31, Florida Statutes, is amended to read:

2 1013.31 Educational plant survey; localized need
3 assessment; PECO project funding.--

4 (1) At least every 5 years, each board shall arrange
5 for an educational plant survey, to aid in formulating plans
6 for housing the educational program and student population,
7 faculty, administrators, staff, and auxiliary and ancillary
8 services of the district or campus, including consideration of
9 the local comprehensive plan. The Office of Workforce and
10 Economic Development shall document the need for additional
11 career and adult education programs and the continuation of
12 existing programs before facility construction or renovation
13 related to career or adult education may be included in the
14 educational plant survey of a school district or community
15 college that delivers career or adult education programs.
16 Information used by the Office of Workforce and Economic
17 Development to establish facility needs must include, but need
18 not be limited to, labor market data, needs analysis, and
19 information submitted by the school district or community
20 college.

21 (b) Required need assessment criteria for district,
22 community college, college and state university plant
23 surveys.--Educational plant surveys must use uniform data
24 sources and criteria specified in this paragraph. Each revised
25 educational plant survey and each new educational plant survey
26 supersedes previous surveys.

27 1. The school district's survey must be submitted as a
28 part of the district educational facilities plan defined in s.
29 1013.35. To ensure that the data reported to the Department of
30 Education as required by this section is correct, the
31 department shall annually conduct an onsite review of 5

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1 percent of the facilities reported for each school district
2 completing a new survey that year. If the department's review
3 finds the data reported by a district is less than 95 percent
4 accurate, within 1 year from the time of notification by the
5 department the district must submit revised reports correcting
6 its data. If a district fails to correct its reports, the
7 commissioner may direct that future fixed capital outlay funds
8 be withheld until such time as the district has corrected its
9 reports so that they are not less than 95 percent accurate.

10 2. Each survey of a special facility, joint-use
11 facility, or cooperative career ~~and-technical~~ education
12 facility must be based on capital outlay full-time equivalent
13 student enrollment data prepared by the department for school
14 districts, community colleges, colleges, and universities. A
15 survey of space needs of a joint-use facility shall be based
16 upon the respective space needs of the school districts,
17 community colleges, colleges, and universities, as
18 appropriate. Projections of a school district's facility space
19 needs may not exceed the norm space and occupant design
20 criteria established by the State Requirements for Educational
21 Facilities.

22 3. Each community college's survey must reflect the
23 capacity of existing facilities as specified in the inventory
24 maintained by the Department of Education. Projections of
25 facility space needs must comply with standards for
26 determining space needs as specified by rule of the State
27 Board of Education. The 5-year projection of capital outlay
28 student enrollment must be consistent with the annual report
29 of capital outlay full-time student enrollment prepared by the
30 Department of Education.

31 4. Each college and state university's survey must

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1 reflect the capacity of existing facilities as specified in
2 the inventory maintained and validated by the Division of
3 Colleges and Universities. Projections of facility space needs
4 must be consistent with standards for determining space needs
5 approved by the Division of Colleges and Universities. The
6 projected capital outlay full-time equivalent student
7 enrollment must be consistent with the 5-year planned
8 enrollment cycle for the State University System approved by
9 the Division of Colleges and Universities.

10 5. The district educational facilities plan of a
11 school district and the educational plant survey of a
12 community college, or college or state university may include
13 space needs that deviate from approved standards for
14 determining space needs if the deviation is justified by the
15 district or institution and approved by the department, as
16 necessary for the delivery of an approved educational program.

17 Section 137. Paragraph (a) of subsection (3) of
18 section 1013.64, Florida Statutes, is amended to read:

19 1013.64 Funds for comprehensive educational plant
20 needs; construction cost maximums for school district capital
21 projects.--Allocations from the Public Education Capital
22 Outlay and Debt Service Trust Fund to the various boards for
23 capital outlay projects shall be determined as follows:

24 (3) (a) Each district school board shall receive an
25 amount from the Public Education Capital Outlay and Debt
26 Service Trust Fund to be calculated by computing the capital
27 outlay full-time equivalent membership as determined by the
28 department. Such membership must include, but is not limited
29 to:

30 1. K-12 students, except hospital and homebound
31 part-time students; and

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1 2. Students who are career ~~and-technical~~ education
2 students, and adult disabled students and who are enrolled in
3 school district career ~~technical~~ centers. The capital outlay
4 full-time equivalent membership shall be determined for
5 kindergarten through the 12th grade and for career ~~technical~~
6 centers by averaging the unweighted full-time equivalent
7 student membership for the second and third surveys and
8 comparing the results on a school-by-school basis with the
9 Florida Inventory for School Houses. The capital outlay
10 full-time equivalent membership by grade level organization
11 shall be used in making the following calculations: The
12 capital outlay full-time equivalent membership by grade level
13 organization for the 4th prior year must be used to compute
14 the base-year allocation. The capital outlay full-time
15 equivalent membership by grade-level organization for the
16 prior year must be used to compute the growth over the highest
17 of the 3 years preceding the prior year. From the total amount
18 appropriated by the Legislature pursuant to this subsection,
19 40 percent shall be allocated among the base capital outlay
20 full-time equivalent membership and 60 percent among the
21 growth capital outlay full-time equivalent membership. The
22 allocation within each of these groups shall be prorated to
23 the districts based upon each district's percentage of base
24 and growth capital outlay full-time membership. The most
25 recent 4-year capital outlay full-time equivalent membership
26 data shall be used in each subsequent year's calculation for
27 the allocation of funds pursuant to this subsection. If a
28 change, correction, or recomputation of data during any year
29 results in a reduction or increase of the calculated amount
30 previously allocated to a district, the allocation to that
31 district shall be adjusted correspondingly. If such

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1 recomputation results in an increase or decrease of the
2 calculated amount, such additional or reduced amounts shall be
3 added to or reduced from the district's future
4 appropriations. However, no change, correction, or
5 recomputation of data shall be made subsequent to 2 years
6 following the initial annual allocation.

7 Section 138. Subsections (1) and (2), and paragraphs
8 (a) and (c) of subsection (4) of section 1013.75, Florida
9 Statutes, are amended to read:

10 1013.75 Cooperative funding of career center and
11 ~~technical-educational~~ facilities.--

12 (1) Each district school board operating a designated
13 career ~~technical~~ center may submit, prior to August 1 of each
14 year, a request to the commissioner for funds from the Public
15 Education Capital Outlay and Debt Service Trust Fund to plan,
16 construct, and equip a career center ~~and-technical-educational~~
17 facility identified as being critical to the economic
18 development and the workforce needs of the school district.
19 Prior to submitting a request, each school district shall:

20 (a) Adopt and submit to the commissioner a resolution
21 indicating its commitment to fund the planning, construction,
22 and equipping of the proposed facility at 40 percent of the
23 requested project amount. The resolution shall also designate
24 the locale of the proposed facility. If funds from a private
25 or noneducational public entity are to be committed to the
26 project, then a joint resolution shall be required.

27 (b) Except as provided in paragraph (5)(b), levy the
28 maximum millage against the nonexempt assessed property value
29 as provided in s. 1011.71(2).

30 (c) Certify to the Office of Workforce and Economic
31 Development that the project has been survey recommended.

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1 (d) Certify to the Office of Workforce and Economic
2 Development that final phase III construction documents comply
3 with applicable building codes and life safety codes.

4 (e) Sign an agreement that the district school board
5 shall advertise for bids within 90 days of receiving an
6 encumbrance authorization from the department.

7 (f) If a construction contract has not been signed 90
8 days after the advertising of bids, certify to the Office of
9 Workforce and Economic Development and the department the
10 cause for delay. Upon request, an additional 90 days may be
11 granted by the commissioner.

12 (2) The Office of Workforce and Economic Development
13 shall establish the need for additional career ~~and technical~~
14 education programs and the continuation of existing programs
15 before facility construction or renovation related to career
16 ~~and technical~~ education can be included in the educational
17 plant survey. Information used by the Office of Workforce and
18 Economic Development to establish facility needs shall
19 include, but not be limited to, labor market needs analysis
20 and information submitted by the school districts.

21 (4) (a) A career ~~and technical~~ education construction
22 committee shall be composed of the following: three
23 representatives from the Department of Education and one
24 representative from the Executive Office of the Governor.

25 (c) The commissioner's legislative capital outlay
26 budget request may include up to 2 percent of the new
27 construction allocation to public schools for career ~~and~~
28 ~~technical~~ capital outlay projects recommended by the career
29 ~~and technical~~ education construction committee.

30 Section 139. This act shall take effect July 1, 2004.
31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4
5 and insert:

6 A bill to be entitled

7 An act relating to career education; revising
8 terminology relating to career, technical,
9 vocational, and workforce education; amending
10 s. 1002.34, F.S.; allowing charter technical
11 career center sponsors to submit full-time
12 enrollment membership data as defined in the
13 charter agreement; deleting requirements
14 relating to the number of days of instruction;
15 creating s. 1003.431, F.S.; providing for a
16 career education certification on a high school
17 diploma; providing academic requirements for
18 students enrolled in comprehensive career
19 education programs; requiring the State Board
20 of Education to define and specify by rule
21 courses and experiences consistent with a
22 comprehensive career education program;
23 authorizing the State Board of Education to
24 adopt by rule a standard format for career
25 education certification; allowing incentive
26 funding to school districts for students
27 receiving the certification; amending s.
28 1003.491, F.S.; providing certain
29 responsibilities for district school boards and
30 superintendents relating to career education
31 certification; creating s. 1003.492, F.S.;

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1 providing for coordination of career education
2 programs with industry; requiring the State
3 Board of Education to adopt rules for
4 implementing an industry certification process;
5 requiring the Department of Education to study
6 student performance in industry-certified
7 career education programs; requiring a study by
8 the Department of Education to determine the
9 need for cost factors or startup funding for
10 industry-certified career education programs;
11 creating s. 1006.025, F.S.; requiring district
12 school boards to submit guidance reports to the
13 Commissioner of Education and providing
14 requirements thereof; amending s. 1012.01,
15 F.S.; revising a personnel classification
16 title; amending s. 1011.80, F.S.; repealing the
17 Florida Workforce Development Education Fund;
18 redesignating adult technical education
19 programs as workforce education programs;
20 revising requirements for funding; requiring
21 reporting and cost analysis; amending ss.
22 1009.22 and 1011.83, F.S.; deleting references
23 to the Florida Workforce Development Education
24 Fund; requiring the Agency for Workforce
25 Innovation and the Council for Education Policy
26 Research and Improvement to study the need for
27 new and expanded apprenticeship and other
28 workforce education programs; requiring a
29 report of findings and recommendations;
30 requiring the Commissioner of Education to
31 convene a study group to investigate workforce

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education issues; requiring the study group to submit a report with recommendations for modifications to the workforce education system; amending ss. 20.18, 110.1099, 112.19, 112.191, 112.1915, 238.01, 250.10, 250.482, 288.047, 288.9511, 292.05, 292.10, 295.02, 295.125, 339.0805, 364.508, 376.0705, 380.0651, 402.305, 402.3051, 403.716, 414.0252, 420.0004, 420.524, 420.602, 440.16, 443.171, 445.003, 445.004, 445.009, 445.012, 445.0123, 445.024, 445.049, 446.011, 446.052, 446.22, 475.17, 475.451, 475.617, 475.6175, 475.618, 475.627, 494.0029, 509.302, 553.841, 790.06, 790.115, 810.095, 943.14, 948.015, 948.09, 958.12, 985.03, 985.315, 1000.04, 1000.05, 1001.42, 1001.44, 1001.452, 1001.453, 1001.64, 1002.01, 1002.20, 1002.22, 1002.38, 1002.42, 1003.01, 1003.02, 1003.43, 1003.47, 1003.51, 1003.52, 1004.02, 1004.04, 1004.07, 1004.54, 1004.65, 1004.73, 1004.91, 1004.92, 1004.93, 1004.98, 1005.02, 1005.06, 1005.21, 1006.035, 1006.051, 1006.21, 1006.31, 1007.21, 1007.23, 1007.24, 1007.25, 1007.27, 1007.271, 1008.37, 1008.385, 1008.405, 1008.41, 1008.42, 1008.43, 1008.45, 1009.23, 1009.25, 1009.40, 1009.532, 1009.533, 1009.536, 1009.55, 1009.61, 1009.64, 1009.98, 1010.20, 1010.58, 1011.62, 1011.68, 1012.01, 1012.39, 1012.41, 1012.43, 1013.03, 1013.31, 1013.64, and 1013.75, F.S., to conform; providing an effective date.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)



BILL: SB 1544

SPONSOR: Senator Haridopolis

SUBJECT: K-12 GI Bill Program

DATE: April 6, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues 	O'Farrell 	ED	
2.			MS	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

The bill confers a benefit on Florida's veterans and active duty personnel in the form of a "K-12 GI bill" for their children to attend another public school or a private school. For students attending a private school of the parents' choice, the scholarship amount is \$3,600 or the amount of tuition and fees, whichever is less. Students who attend another public school in or adjacent to the school district in which they live may receive either \$500 or transportation expenses, whichever is less. The bill establishes eligibility criteria for students and private schools, as well as obligations for participating families, private schools, school districts, the Department of Education, and the state's Chief Financial Officer. In addition, the bill provides grounds for forfeiting the scholarship. The bill authorizes the State Board of Education to adopt rules for administering the K-12 GI Bill program. The bill also requires parents to receive information related to the scholarships available under this new program.

This bill amends s. 1002.20, F.S., and creates s. 1002.395, F.S.

The bill's effective date is upon becoming a law.

II. Present Situation:

Military Students/Education¹

Military service often presents a number of challenges for school age children of military personnel. The average military child relocates every 2.9 years, three times more often than do their civilian counterparts. From kindergarten to graduation, the average military child attends

¹ Senate Staff Analysis, CS/CS SB 1622.

six to nine different schools, including two to three high school transitions. In addition to the social and emotional challenges associated with new cities, schools, and classmates, transitioning military students often face a variety of academic and administrative hurdles.

There are approximately 1.9 million veterans in Florida.² Almost 80,000 active-duty military personnel are stationed in Florida and approximately 33,000 school age dependent children of active duty military families are in Florida.³ Current law (s. 1.01(14), F.S.) defines the term "veteran" to mean a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the U.S. Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the periods of wartime service specified in law.

For purpose of the Federal Impact Aid Program, the term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary concerned.⁴ The law further makes a distinction between "active duty for a period of more than 30 days" (e.g., active duty under a call or order that does not specify a period of 30 days or less) and "active service" (e.g. service on active duty).⁵

Educational Options

Current law (s. 1002.20, F.S.) outlines the various educational choices available in Florida.

Parents have the following public school options:

- controlled open enrollment;
- developmental research (lab) schools;
- charter schools and charter technical career centers;
- magnet schools;
- alternative schools; and
- special programs.

Other options are advanced placement, dual enrollment, International Baccalaureate, early admissions, credit by examination or demonstration of competency, and the Florida Virtual School.

In addition to home education and private tutoring, private school choice options for parents of students include the following:

- the Opportunity Scholarship Program;
- the McKay Scholarships for Students with Disabilities Program; and

² *Statistical Abstract of the United States*, U.S. Census, 2002.

³ *Program to Assist and Support Florida's Military Families*, Senate interim project report (2004-153), November 2003.

⁴ The Federal Impact Aid law (Title VIII of the Elementary and Secondary Education Act of 1965 (ESEA)) provides financial assistance to local school districts with concentrations of federally connected children, including those residing on military bases and children who have parents in the uniformed services.

⁵ 37 U.S.C. § 101(18)

- the Corporate Income Tax Credit Scholarship Program (CTC).

There are different eligibility criteria for each of these programs. Eligibility for the Opportunity Scholarship Program is based on attendance at a public school designated as performance grade “F,” failing to make adequate progress.⁶ The McKay Scholarship Program serves eligible students with certain disabilities. The CTC Program provides scholarships to eligible students who qualify for free or reduced lunches under the National School Lunch Program.

State Law and Rules Related to Private Schools

Private School Notification and Annual Survey

Current law (s. 1002.42, F.S.) provides for the general regulation of private schools and requires each new institution to notify the department about its existence. The DOE must organize, maintain, and annually update a database of educational institutions within the state. The annual submission of the database survey by a school must not be used by that school to imply approval or accreditation by the Department of Education. DOE is charged with making data on private education in this state accessible to the public. For the purpose of organizing, maintaining, and updating this database, each private school must annually execute and file a database survey form on a date designated by the DOE, including a notarized statement indicating that the owner of the private school has complied with the provisions for criminal background checks and the prohibition against ownership or operation of a private school by a person who has been convicted of a crime involving moral turpitude.

The database must include the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career and technical education and exceptional child education); the number of graduates; the number of instructional and administrative personnel; the number of days the school is in session; and such data as may be needed to meet the provisions of this section and s. 1003.23(2), F.S., relating to attendance. Each existing private educational institution must notify the DOE of any change in the name of the institution, the address, or the chief administrative officer.

Criminal Background Checks

Section 1002.42(2)(c), F.S., sets forth fingerprinting requirements for state but not federal processing and checking for criminal backgrounds of the owners and operators of private schools. The law provides exceptions for certain persons and specifies the individuals who may take fingerprints. The law defines the term “owner” to mean any individual who is the chief administrative officer of a private school. The Florida Department of Law Enforcement (FDLE) must forward the results to the private school owner who must make the results available for public inspection in the private school office. The costs of fingerprinting, criminal records checks and processing must be borne by the applicant or private school. An owner of a private school may require school employees to file a complete set of fingerprints with the FDLE for processing and criminal records checking. Findings from the processing and checks must be reported to the owner for use in employment decisions.

Criminal Sanctions

It is a misdemeanor for an institution to fail to submit the annual database survey form and notarized statement of compliance to the DOE. The authorities of an institution that fail to do so

⁶ The public school must have had this designation for 2 years in a four-year period.

are, upon conviction, subject to a fine not exceeding \$500. Persons who submit data for a nonexistent school or an institution providing no instruction or training in order to defraud the public commit a second degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. It is unlawful for a person who has been convicted of a crime involving moral turpitude to own or operate a private school. Persons found to be in violation of this requirement commit a first degree misdemeanor, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

Other State Laws

There are other laws and rules governing private schools, including, but not limited to: s.381.006(6), F.S., relating to school sanitation practices, s. 381.0011(4), F.S., relating to communicable disease, s. 381.0072, F.S., relating to food service protection, s. 404.056(1)(d), F.S., related to radon screening, and s. 1003.22, F.S., relating to school health entry examinations and scoliosis screening. As well, if a private school is a charitable organization, the school may be subject to the provisions of chapter 496, F.S., relating to the solicitation of funds by these organizations. Private school corporations are governed by chapter 623, F.S.

Section 1003.23, F.S., requires all officials, teachers, and other employees in public, parochial, religious, denominational, and private K-12 schools, including private tutors, to keep all attendance records and to prepare and submit promptly all reports that may be required by law and by SBE rules and district school boards. The records must include a register of enrollment and attendance and the reports must be made as required by the SBE. The enrollment register must show the absence or attendance of each student enrolled for each school day of the year, as prescribed by the SBE, and must open for inspection by the designated school representative or the district school superintendent of the district in which the school is located. Violations of this section are a second-degree misdemeanor, punishable as provided by law.

III. Effect of Proposed Changes:

Section 1. The bill provides the purposes of the program and establishes the program as a benefit to Florida's military families.

K-12 GI Bill Eligibility

A parent of a public school student who is a dependent of a Florida veteran or active military personnel may request and receive from the state a K-12 GI Bill for the child to enroll in and attend a private school, subject to the following requirements:

- the student must spend the prior school year in attendance at a Florida public school by assigned school attendance area or by special assignment.⁷
- the parent must notify the school district that the student:
 - is a dependent of a Florida veteran or active military personnel; and
 - is accepted for admission to an eligible private school.

The parent must also notify the school district of the request for a K-12 GI Bill at least 60 days prior to the date of the first payment. Parental notification must be through direct communication

⁷ "Prior school year in attendance" means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12.

to the district or through the DOE to the district. Parents may also exercise the option of sending their child to another public school in the district or to a public school in an adjacent district.

The GI Bill Program does not apply to a student who is enrolled in a school that provides educational services to youth in Department of Juvenile Justice (DJJ) commitment programs.⁸

Term of the GI Bill

A GI Bill remains in force until the student at a private school returns to a public school or graduates from high school. If the parent chooses the public school option, the student may continue attending the public school chosen by the parent until the student graduates from high school. At any time, the student's parent may remove the student from the private school and place the student in another eligible private school or in a public school.

School District Obligations to Parents of Military Students

School districts must timely notify parents of the public and private school options available under the GI Bill, if the districts know about the eligible students. Districts must also offer parents an opportunity to enroll the student in another public school, although the parent does not have to accept this offer. School district obligations also include the following:

- providing locations and times for K-12 GI scholarship students to take all statewide assessments, if parents request that students take these assessments.
- providing transportation to the public school selected by the parent, if the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, F.S.;
- notifying the DOE within 10 days after it receives parental notification of intent to apply for a K-12 GI Bill;
- accepting a student from an adjacent school district whose parent selects a public school in the recipient district and reporting the student for purposes of the district's funding under the FEFP; and
- reporting all students who attend a private school separately from other students reported for FEFP purposes.

Private School Eligibility and Obligations

To be eligible to provide educational opportunities for eligible students, a Florida private school may be sectarian or nonsectarian and must:

- Demonstrate fiscal soundness by:
 - Operating for 2 school years; or
 - Filing with the DOE a surety bond or letter of credit for the amount equal to the K-12 GI Bill funds for each quarter;
- Notify the DOE of intent to participate in the program, specifying the grade levels and services that the private school has available for GI Bill scholarship students;
- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d;
- Meet state and local health and safety laws and codes;

⁸ Residential commitment programs include low, moderate, high, and maximum risk Florida DJJ programs. Students temporarily reside in these programs while committed to DJJ. Day treatment programs are non-residential programs operated by or under contract with the DJJ. See *Educational Quality Assurance Standards*, Juvenile Justice Educational Enhancement Program, 2004.

- Be academically accountable to the parent for meeting the student's educational needs;
- Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught;
- Comply with all state laws relating to general regulation of private schools; and
- Adhere to the tenets of its published disciplinary procedures prior to the expulsion of a scholarship student.

The school must return the partial reservation payment to the DOE if a student decides not to attend the school. Only one partial reservation payment may be made per student per year.

Family Obligations

A parent who applies for a K-12 GI Bill to enable his or her child to attend a private school is exercising a parental option to place the child in a private school. The bill requires the parent to:

- select the private school and obtain acceptance for the child's admission.
- request the K-12 GI Bill at least 60 days prior to the date of the first payment.⁹
- notify the district that the student is a dependent of a Florida veteran or active military personnel.

Parental responsibilities also include:

- providing transportation to a public school if the choice is inconsistent with the district school board's choice plan under s. 1002.31, F.S.;
- notifying the school district at least 60 days prior to the date of the first payment and before the student enters the private school when the student is accepted by a private school pending available space; and
- transporting the student to a public school in an adjacent school district.

Students attending a private school must:

- remain in attendance throughout the school year, unless excused by the school for illness or other good cause;⁹ and
- comply fully with the school's code of conduct.⁹

Parents of these students must:

- comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.⁹
- transporting the student to the assessment site designated by the school district, if he or she requests that the student take all required statewide assessments.⁹
- restrictively endorse the warrant to the private school for deposit into the account of the private school, upon receipt of a K-12 GI Bill warrant.⁹

Funding and Payment

The bill restricts the amount of a K-12 GI Bill provided to any child for any single school year to the following limits:

- \$3,600 or the amount of tuition and fees, whichever is less, for a student enrolled in an eligible private school.
- \$500 or the amount of transportation expenses, whichever is less, for a student enrolled in an out of district Florida public school.

⁹ A participant who fails to comply with this requirement forfeits the GI Bill.

DOE Obligations and Prohibitions

The bill tasks the DOE with the following:

- Transferring the amount of the K-12 GI Bills from the school district's total funding entitlement under the FEFP to a separate account for the K-12 GI Bills, after notification of the number of students attending private schools;
- Disbursing quarterly payments to the parents of K-12 GI Bill students;
- Receiving all required documentation for the student prior to the first quarterly payment;¹⁰ and
- Mailing the warrant to the private school of the parent's choice.

The bill allows the DOE to make a partial payment if a participating private school requires partial payment of tuition prior to the start of the academic year to reserve space for students admitted to the school. The payment may be paid prior to the first quarterly payment of the year in which the K-12 GI Bill is awarded, up to a maximum of \$1,000, and deducted from subsequent K-12 GI Bill payments. The bill prohibits the DOE from making any retroactive payments.

Chief Financial Officer (CFO) Obligations

The bill tasks the CFO with the following:

- Making quarterly payments throughout the academic year in which the K-12 GI Bill is in force, pending approval by the DOE;
- Making the initial payment for attendance at a private school after DOE verifies admission acceptance;
- Making subsequent payments upon verification of continued enrollment and attendance at the private school; and
- Making warrants payable to the student's parent.

State Board of Education (SBE) Obligations

The SBE may adopt rules to administer the program. The inclusion of eligible private schools within the options available to Florida public school students does not expand the government's regulatory authority of private schools beyond what is reasonably necessary to enforce the requirements in the bill.

State Liability

The bill provides that no liability arises on the part of the state, based on the award or use of a K-12 GI Bill.

Section 2. The bill amends s. 1002.20(6), F.S., to require parents of public school children to receive information about K-12 GI Bill scholarships to private schools.

Section 3. The bill provides an effective date of upon becoming a law.

¹⁰ The documentation includes the private school and student fee schedules.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This program is similar to other private school choice options, including the Opportunity Scholarship Program (OSP) in s. 1002.38, F.S. (formerly section 229.0537, F.S.). The OSP statute continues to be the subject of constitutional challenges. While a lower court found that the OSP statute violated Article IX, section 3 of the Florida Constitution in 2002, that decision is currently on appeal before the First District Court of Appeal.¹¹ Until the OSP case is resolved, the GI Bill could be tested under this provision of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill provides \$3,600 or the amount of tuition and fees, whichever is less, for a GI Bill to military parents who wish to send their children to an eligible private school. Eligible students of parents who were previously unable to afford a private school will benefit, to the extent that they receive a GI Bill that is accepted by an eligible private school. Under the bill, private schools may benefit from the financial resources associated with participating GI Bill students.

C. Government Sector Impact:

The bill provides \$500 or the amount of transportation expenses, whichever is less, for a student to enroll in another Florida public school.

The DOE reports that the agency's database does not currently contain evidence of the student's eligibility as a military dependent. According to DOE, the agency will incur \$50,000 to administer the provisions of the bill. This includes website and database

¹¹ See *Holmes v. Bush*, 2002 WL 1809079 (Fla. 2d Cir. Ct. 2002).

development (e.g., accessing student information to verify the dependent status of the student).

The DOE noted that a reduction of FEFP funding to school districts results from an individual redirection of public school students to private schools. The agency estimates a total maximum reduction of \$89.7 million in FEFP funding to school districts, based on the following factors:

- 24,723 non-disabled children reported by Florida school districts for the Federal Impact Aid program for 2003-2004 (maximum potential students).
- Base student allocation of \$3,630.03 for 2003-2004.¹²
- No change in current categorical and earmark funding levels because of the new program.

The estimate also assumes that students with disabilities will participate in the McKay Scholarships for Students with Disabilities, which generates a greater scholarship amount. According to DOE, there may be a further reduction in district funding levels, if there is a decrease in FEFP categorical and earmark funding levels because of this program. DOE estimates \$742,432 in saving to the state, based on a maximum of 24,723 potential students in the program.

However, due to uncertainty in the number of eligible students who spent the prior school year in attendance at a Florida public school and eventually enroll in the program, the fiscal impact is indeterminate.

The bill's effective date is upon becoming a law. DOE indicates that funds for the 2004-2005 school year are not available until there is an approved budget (July 1, 2004). The unavailability of funds at the time needed to process payments may result in a delay of the September 1 payments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Recent reviews of other scholarship programs have criticized specific aspects of various choice options, including the lack of administrative rules for these programs.¹³ Among the problems identified in the reviews and audits are the following:

¹² DOE notes that although the 2003-2004 state and local funding per unweighted FTE student is approximately \$5,500, this includes FEFP earmarks and categorical funding which may not decrease depending upon program participation levels.

¹³ See *Audit of the McKay Scholarship, Opportunity Scholarship, and Corporate Tax Credit Scholarship Programs*, Department of Financial Services, Chief Financial Officer, December 10 2003, *John M. McKay Scholarships for Students with Disabilities Program Accountability* and *Corporate Tax Credit Scholarship Program Accountability*, Senate Education Committee interim project reports (2004-130 and 2004-132), November 2003, and *Florida Department of Education Operational Audit*, Audit Report 03-113, Office of the Auditor General, February 2003.

- Minimal state oversight of the programs and guidance by the State Board of Education to improve accountability in the programs;
- Limited monitoring of private school and student eligibility;
- Inexplicit DOE enforcement powers;
- Lack of a statutory prohibition on a student receiving a scholarship from other state scholarship programs for students in private schools;
- Insufficient criminal background checks for private school personnel having direct contact with students and personnel having access to scholarship funds; and
- Insufficient academic accountability.

In some instances, private schools deposited scholarship checks when the student was actually enrolled in the public school system. Some students received more than the \$3,500 allowed under the CTC program.

Chief Financial Officer/Department of Financial Services (DFS) Review

During the CFO review, there were numerous examples where students received either the McKay or Opportunity combined with the Corporate Tax Credit scholarships (90 percent of the exceptions noted were McKay). Currently, there are internet schools, home schools and correspondence schools participating in these programs. Lack of rules also contributed to possible criminal actions under investigation by DFS and other law enforcement entities.

The CFO noted a very high percentage of State warrants that were not endorsed in accordance with law (90 percent of the exceptions noted were McKay). Some of these warrants were endorsed directly by parents with no indication of a private school endorsement. Some private schools deposited scholarship checks when the student was actually in the public school system. The review identified various other scenarios of check endorsements not in compliance with statute.

The CFO recommended administrative reforms, as well as the following legislative reforms:

- Increase the eligibility standards for private schools that participate in the McKay and Opportunity Scholarship Programs.
- Have private school personnel pass criminal background checks and file the results with DOE.
- Require private schools to have a state charter and to be physically located within the State.
- Define the types of private schools by statute, for program purposes.
- Add a statutory provision specifying that scholarships granted under the Corporate Tax Credit Program cannot be combined with the McKay or Opportunity Program scholarships.
- Require the State Board of Education to promulgate administrative rules for the effective administration of the McKay and Opportunity Scholarship Programs, including rules to establish a formal process for determining student eligibility and approving scholarships.
- Provide additional statutory language prohibiting a restrictive power of attorney where a school can endorse checks on behalf of parents.

As a consequence of the CFO report, the Senate Education Committee interim project and the recommendations of the McKay Scholarship Accountability Task Force, legislation is pending to increase accountability for the program. Legislation is also pending to increase accountability for the CTC program.

To a large extent, the bill establishes a statutory framework that is similar to the existing framework for the scholarship programs. Consequently, the bill may be subject to the same shortcomings identified in recent program reviews. For example, the bill infers but does not explicitly assign certain obligations to the DOE and private schools. This may result in a lack of compliance with the requirements set forth in the bill.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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CHAMBER ACTION

SenateHouse.
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.**EDUCATION**DATE: 4-19-04TIME: 9:00 am

Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 1002.395, Florida Statutes, is created to read:

1002.395 K-12 GI Bill Program.--(1) PURPOSE.--The purpose of this section is to:

(a) Recognize, honor, and reward the courage and sacrifices made by a Florida veteran, an active duty member of any branch of the United States Armed Forces, an active or retired member of the Florida National Guard, or an active member of the Armed Forces Reserves, and his or her family.

(b) Expand educational opportunities for children who are dependents of a Florida veteran, an active duty member of any branch of the United States Armed Forces, an active or retired member of the Florida National Guard, or an active member of the Armed Forces Reserves.

(c) Provide a new benefit to a Florida veteran, an

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1 active duty member of any branch of the United States Armed
2 Forces, an active or retired member of the Florida National
3 Guard, or an active member of the Armed Forces Reserves by
4 giving such individual the option to choose his or her
5 children's education.

6 (2) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill
7 Program is established as a benefit to a Florida veteran as
8 defined in s. 1.01, an active duty member of any branch of the
9 United States Armed Forces, an active or retired member of the
10 Florida National Guard, or an active member of the Armed
11 Forces Reserves that provides the option for his or her
12 dependents to attend a public school in the school district
13 other than the one to which assigned, to receive a K-12 GI
14 Bill to attend a public school in an adjacent school district,
15 or to receive a K-12 GI Bill to attend an eligible private
16 school of his or her choice.

17 (3) K-12 GI BILL ELIGIBILITY.--The parent of a student
18 who is a dependent of a Florida veteran as defined in s. 1.01,
19 an active duty member of any branch of the United States Armed
20 Forces, an active or retired member of the Florida National
21 Guard, or an active member of the Armed Forces Reserves may
22 request and receive from the state a K-12 GI Bill for the
23 child to enroll in and attend an eligible private school if
24 the parent has notified the school district that the student
25 is a dependent of a Florida veteran as defined in s. 1.01, an
26 active duty member of any branch of the United States Armed
27 Forces, an active or retired member of the Florida National
28 Guard, or an active member of the Armed Forces Reserves; has
29 obtained acceptance for admission of the student to a private
30 school that is eligible for the program under subsection (5);
31 and has notified the school district of the request for a K-12

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GI Bill at least 60 days prior to the date of the first K-12 GI Bill payment. The parental notification must be through a communication directly to the district or through the Department of Education to the district in a manner that creates a written or electronic record of the notification and the date of receipt of the notification. This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the K-12 GI Bill shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible to provide educational opportunities for students whose families opt to use a K-12 GI Bill under subsection (5) or in a public school as provided in subsection (4).

(4) SCHOOL DISTRICT OBLIGATIONS.--

(a) A school district shall timely notify the parent of each student who the school district has knowledge is a dependent of a Florida veteran as defined in s. 1.01, an active duty member of any branch of the United States Armed Forces, an active or retired member of the Florida National Guard, or an active member of the Armed Forces Reserves of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school within the district. The parent is not required to accept this offer in lieu of requesting a K-12 GI Bill for the student to attend a public school in an adjacent school district or to attend a private school. However, if the parent chooses to enroll the student in another public school

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1 within the district, the student may continue attending the
2 public school chosen by the parent until the student graduates
3 from high school. The option under this paragraph shall be on
4 a space-available basis. However, a student who is the
5 dependent of a parent on active duty shall be given first
6 priority, provided that this option shall not be available if
7 it results in a violation of the constitutional class size
8 requirements. If the parent chooses a public school consistent
9 with the district school board's choice plan under s. 1002.31,
10 the school district shall provide transportation to the public
11 school selected by the parent. The parent is responsible to
12 provide transportation to a public school chosen that is not
13 consistent with the district school board's choice plan under
14 s. 1002.31.

15 (b) The parent of a student may choose, as an
16 alternative, to enroll the student in and transport the
17 student to a public school in an adjacent school district that
18 has available space, and that school district shall accept the
19 student and report the student for purposes of the district's
20 funding pursuant to the Florida Education Finance Program.

21 (c) For a student in the school district who
22 participates in the K-12 GI Bill Program whose parent requests
23 that the student take the statewide assessments under s.
24 1008.22, the district shall provide locations and times to
25 take all statewide assessments.

26 (d) A school district must notify the Department of
27 Education within 10 days after it receives notification of a
28 parent's intent to apply for a student to receive a K-12 GI
29 Bill.

30 (5) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
31 provide educational opportunities for students whose families

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1 opt to use a K-12 GI Bill, a private school must be a Florida
2 private school, may be sectarian or nonsectarian, and must:

3 (a) Demonstrate fiscal soundness by being in operation
4 for 2 school years or file with the Department of Education a
5 surety bond or letter of credit for the amount equal to the
6 K-12 GI Bill funds for each quarter.

7 (b) Notify the Department of Education of its intent
8 to provide educational opportunities for students whose
9 families opt to use a K-12 GI Bill. The notice must specify
10 the grade levels and services that the private school has
11 available for students attending on a K-12 GI Bill.

12 (c) Comply with the antidiscrimination provisions of
13 42 U.S.C. s. 2000d.

14 (d) Meet state and local health and safety laws and
15 codes.

16 (e) Be academically accountable to the parent for
17 meeting the educational needs of the student.

18 (f) Employ or contract with teachers who hold
19 baccalaureate or higher degrees, have at least 3 years of
20 teaching experience in public or private schools, or have
21 special skills, knowledge, or expertise that qualifies them to
22 provide instruction in subjects taught.

23 (g) Comply with all state laws relating to general
24 regulation of private schools.

25 (h) Adhere to the tenets of its published disciplinary
26 procedures prior to the expulsion of a student attending the
27 school on a K-12 GI Bill.

28 (6) OBLIGATION OF FAMILIES OPTING TO USE A K-12 GI
29 BILL.--

30 (a) A parent who applies for a K-12 GI Bill to enable
31 his or her child to attend a private school is exercising his

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1 or her parental option to place his or her child in a private
2 school. The parent must select the private school and apply
3 for the admission of his or her child.

4 (b) If the parent chooses the private school option
5 and the student is accepted by the private school pending the
6 availability of a space for the student, the parent of the
7 student must notify the school district at least 60 days prior
8 to the date of the first K-12 GI Bill payment and before the
9 student enters the private school in order to be eligible for
10 the K-12 GI Bill when a space becomes available for the
11 student in the private school.

12 (c) Any student attending a private school on a K-12
13 GI Bill must remain in attendance throughout the school year,
14 unless excused by the school for illness or other good cause,
15 and must comply fully with the school's code of conduct.

16 (d) The parent of each student attending a private
17 school on a K-12 GI Bill must comply fully with the private
18 school's parental involvement requirements unless excused by
19 the school for illness or other good cause.

20 (e) If the parent requests that the student attending
21 a private school on a K-12 GI Bill take all statewide
22 assessments required pursuant to s. 1008.22, the parent is
23 responsible for transporting the student to the assessment
24 site designated by the school district.

25 (f) Upon receipt of a K-12 GI Bill warrant, the parent
26 to whom the warrant is made must restrictively endorse the
27 warrant to the private school for deposit into the account of
28 the private school.

29 (g) Any failure to comply with this subsection results
30 in forfeiture of the K-12 GI Bill.

31 (7) K-12 GI BILL FUNDING AND PAYMENT.--

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1 (a) The amount of a K-12 GI Bill provided to any child
2 for any single school year shall not exceed the following
3 annual limits:

4 1. Three thousand six hundred dollars or the amount of
5 tuition and fees, whichever is less, for a K-12 GI Bill
6 awarded to a student enrolled in an eligible private school.

7 2. Five hundred dollars, or the amount of
8 transportation expenses, whichever is less, for a K-12 GI Bill
9 awarded to a student enrolled in a Florida public school that
10 is located outside the school district in which the student
11 resides.

12 (b) If a participating private school requires partial
13 payment of tuition prior to the start of the academic year to
14 reserve space for students admitted to the school, that
15 partial payment may be paid by the Department of Education
16 prior to the first quarterly payment of the year in which the
17 K-12 GI Bill is awarded, up to a maximum of \$1,000, and
18 deducted from subsequent K-12 GI Bill payments. If a student
19 decides not to attend the participating private school, the
20 partial reservation payment must be returned to the Department
21 of Education by the participating private school. There is a
22 limit of one reservation payment per student per year.

23 (c) The school district shall report all students who
24 are attending a private school on a K-12 GI Bill. The students
25 attending private schools on K-12 GI Bills shall be reported
26 separately from other students reported for purposes of the
27 Florida Education Finance Program.

28 (d) Following notification on July 1, September 1,
29 December 1, or February 1 of the number of students attending
30 private schools on K-12 GI Bills, the Department of Education
31 shall transfer, from General Revenue funds only, the amount of

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1 the K-12 GI Bills from the school district's total funding
2 entitlement under the Florida Education Finance Program to a
3 separate account for the K-12 GI Bills for quarterly
4 disbursement to the parents of K-12 GI Bill students. When a
5 student enters a private school on a K-12 GI Bill, the
6 Department of Education must receive all documentation
7 required for the student's K-12 GI Bill, including the private
8 school's and student's fee schedules, at least 30 days before
9 the first quarterly K-12 GI Bill payment is made for the
10 student. The Department of Education may not make any
11 retroactive payments.

12 (e) Upon proper documentation reviewed and approved by
13 the Department of Education, the Chief Financial Officer shall
14 make K-12 GI Bill payments in four equal amounts no later than
15 September 1, November 1, February 1, and April 15 of each
16 academic year in which the K-12 GI Bill is in force. The
17 initial payment for attendance at a private school shall be
18 made after Department of Education verification of admission
19 acceptance, and subsequent payments shall be made upon
20 verification of continued enrollment and attendance at the
21 private school. Payment must be by individual warrant made
22 payable to the student's parent and mailed by the Department
23 of Education to the private school of the parent's choice, and
24 the parent shall restrictively endorse the warrant to the
25 private school for deposit into the account of the private
26 school.

27 (8) LIABILITY.--No liability shall arise on the part
28 of the state based on the award or use of a K-12 GI Bill.

29 (9) RULES.--The State Board of Education may adopt
30 rules pursuant to ss. 120.536(1) and 120.54 to administer this
31 section. However, the inclusion of eligible private schools

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1 within options available to Florida public school students
2 does not expand the regulatory authority of the state, its
3 officers, or any school district to impose any additional
4 regulation of private schools beyond those reasonably
5 necessary to enforce requirements expressly set forth in this
6 section.

7 Section 2. Paragraphs (a) and (b) of subsection (6) of
8 section 1002.20, Florida Statutes, are amended to read:

9 1002.20 K-12 student and parent rights.--Parents of
10 public school students must receive accurate and timely
11 information regarding their child's academic progress and must
12 be informed of ways they can help their child to succeed in
13 school. K-12 students and their parents are afforded numerous
14 statutory rights including, but not limited to, the following:

15 (6) EDUCATIONAL CHOICE.--

16 (a) Public school choices.--Parents of public school
17 students may seek whatever public school choice options that
18 are applicable to their students and are available to students
19 in their school districts. These options may include
20 controlled open enrollment, lab schools, charter schools,
21 charter technical career centers, magnet schools, alternative
22 schools, special programs, advanced placement, dual
23 enrollment, International Baccalaureate, early admissions,
24 credit by examination or demonstration of competency, the New
25 World School of the Arts, the Florida School for the Deaf and
26 the Blind, and the Florida Virtual School. These options may
27 also include the public school choice options of the
28 Opportunity Scholarship Program, and the McKay Scholarships
29 for Students with Disabilities Program, and the K-12 GI Bill
30 Program .

31 (b) Private school choices.--Parents of public school

Bill No. SB 1544

Amendment No. _____



400348

1 students may seek private school choice options under certain
2 programs.

3 1. Under the Opportunity Scholarship Program, the
4 parent of a student in a failing public school may request and
5 receive an opportunity scholarship for the student to attend a
6 private school in accordance with the provisions of s.
7 1002.38.

8 2. Under the McKay Scholarships for Students with
9 Disabilities Program, the parent of a public school student
10 with a disability who is dissatisfied with the student's
11 progress may request and receive a McKay Scholarship for the
12 student to attend a private school in accordance with the
13 provisions of s. 1002.39.

14 3. Under the K-12 GI Bill Program, the parent of a
15 public school student who is a dependent of a Florida veteran,
16 an active duty member of any branch of the United States Armed
17 Forces, an active or retired member of the Florida National
18 Guard, or an active member of the Armed Forces Reserves may
19 request and receive a K-12 GI Bill for the student to attend a
20 private school in accordance with the provisions of s.
21 1002.395.

22 4.3: Under the corporate income tax credit scholarship
23 program, the parent of a student who qualifies for free or
24 reduced-price school lunch may seek a scholarship from an
25 eligible nonprofit scholarship-funding organization in
26 accordance with the provisions of s. 220.187.

27 Section 3. This act shall take effect upon becoming a
28 law
29
30
31

Bill No. SB 1544

Amendment No. _____



400348

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to educational choice programs;
creating s. 1002.395, F.S.; establishing the K-12 GI Bill
Program to provide educational options for dependents of a
Florida veteran, an active duty member of any branch of the
United States Armed Forces, an active or retired member of the
Florida National Guard, or an active member of the Armed
Forces Reserves; providing that a student may attend a public
school in the school district other than the one to which
assigned; providing that a student may receive a K-12 GI Bill
to attend a public school in an adjacent school district or to
attend a private school; providing K-12 GI Bill eligibility
requirements; providing school district obligations; providing
private school eligibility requirements; providing obligations
of families choosing the private school option; providing for
the amount, funding, and payment of a K-12 GI Bill; exempting
the state from liability; authorizing State Board of Education
rules; amending s. 1002.20, F.S., relating to student and
parent rights to educational choice, to conform; providing an
effective date.

Bill No. SB 1544# / 10 Amendment No. 1

124326

CHAMBER ACTION

SenateHouse.
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.*FAVORABLE in Education Committee on 4/13/04*

Senator Sebesta moved the following **amendment to amendment**
(400348):

Senate Amendment (with title amendment)

On page 1, lines 22, 27 and 31, and

on page 10, line 15, delete the words "a Floridaveteran,"

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 11, lines 9 and 10, delete the words "a Florida
veteran"

Bill No. SB 1544#2 to Amendment No. 1

231756

CHAMBER ACTION

SenateHouse.
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.*FAVORABLE in Education Committee on 4/13/04*

Senator Sebesta moved the following **amendment to amendment**
(400348):

Senate Amendment (with title amendment)

On page 1, lines 23 and 24, 28 and 29,

on page 2, line 2, and

on page 10, line 17, delete the words "or retired"

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 11, line 11, delete the words "or retired"

 633882House

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FAVORABLE in Education Committee on 4/13/04

On page 2, lines 7 and 8, 18, and 25, and
on page 3, line 21, delete the words "a Florida
veteran as defined in s. 1.01,"

Bill No. SB 1544#4 to Amendment No. 1

341018

CHAMBER ACTION

SenateHouse.
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FAVORABLE in Education Committee on 4/13/04

Senator Sebesta moved the following **amendment to amendment**
(400348):

Senate Amendment

On page 2, lines 9, 20, and 27 and
on page 3, line 23, delete the words "or retired"

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

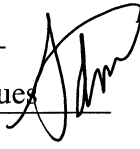

BILL: SB 1578

SPONSOR: Senator Dawson

SUBJECT: Schools/Students/Prescriptions

DATE: April 19, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues 	O'Farrell 	ED	
2.			HC	
3.				
4.				
5.				
6.				

I. Summary:

The bill prohibits school districts from requiring that a student, as a prerequisite to attendance or the reception of any other school district services, obtain a prescription for a controlled substance listed in schedule II under the federal Controlled Substances Act (21 U.S.C. s. 812(c), as amended by Title 21 C.F.R. part 1308).

The bill requires the Department of Education to develop rules for policies and procedures to prohibit school personnel from requiring a student to obtain a prescription for a controlled substance in violation of the new provision in law.

This bill creates an undesignated section of law.

The bill provides an effective date of July 1, 2004.

II. Present Situation:

Children's Mental Health¹

Primary care physicians identify approximately 19 percent of the children they see as having behavioral and emotional problems.² A number of treatment options are available to address mental health problems in children including psychotropic medications. The National Institute of Mental Health reports that psychotropic medications, while generally not the first option, may be prescribed when the possible benefits of the medications outweigh the risk and, in particular, when psychosocial interventions are not effective by themselves and there are potentially serious

¹ Committee Staff Analysis for CS/SB 1140.

² *President's New Freedom Commission on Mental Health: Report to the President*, May 2003.

negative consequences for the child.³ There are several major categories of psychotropic medications: stimulants, antidepressants, anti-anxiety agents, anti-psychotics, and mood stabilizers. These medications may be used to treat a variety of symptoms, including as follows:

- Stimulant medications are frequently used for Attention Deficit Hyperactivity Disorder (ADHD), which is the most common behavioral disorder of childhood;
- Anti-depressants and anti-anxiety medications are frequently used for depression, anxiety, and obsessive compulsive disorders;
- Anti-psychotic medications are used to treat children with schizophrenia, bipolar disorders, autism, and severe conduct disorders; and
- Mood stabilizing medications are also used to treat bipolar disorders.⁴

A substantial number of children in the United States have diagnosed mental disorders. According to research, a review of Medicaid prescription records (from unidentified states) during 1995 indicated that 150,000 preschoolers under the age of six were prescribed psychotropic medications.⁵ Additionally, the 1999 MECA Study (Methodology for Epidemiology of Mental Disorders in Children and Adolescents) estimated that almost 21 percent of the children in the United States between the ages of nine and 17 had a diagnosable mental or addictive disorder that caused impairment, and 11 percent of these children (approximately 4 million) had a significant impairment that limited their ability to function.

Psychotropic medication is one of many treatment interventions that may be used to address mental health problems. Medication may be recommended and prescribed for children with mental, behavioral, or emotional symptoms when the potential benefits of treatment outweigh the risks. There has been growing public concern, however, over reports that very young children are being prescribed psychotropic medications with potentially adverse side effects.

Some of the concern regarding the use of psychotropic medications with children stems from the limited information that is available regarding the efficacy and the potential side effects of these drugs with children. Most clinical trials for these drugs were conducted on an adult population. The same results are not always obtained when these drugs are used with children, and the side effects for children are frequently different from those experienced by adults. The Food and Drug Administration (FDA) has publicly expressed concerns regarding the use of antidepressants in children and recently established an advisory committee to further study and evaluate the use of psychotropic medications with children.

Attention Deficit Hyperactivity Disorder and School Policy¹

It is estimated that 1.46 to 2.46 million children, or 3 to 5 percent of the student population, have ADHD.⁶ The diagnostic methods, treatment options, and medications have become a very controversial subject, particularly in education.⁷ One of the concerns raised has been that school officials are reported to be offering their diagnosis of ADHD and urging parents to obtain drug

³ *Treatment of Children with Mental Disorders*, National Institute of Mental Health, updated June 18, 2001.

⁴ *Ibid.*

⁵ *Trends in the Prescribing of Psychotropic Medications to Preschoolers*, Zito, J.A., Safer, D.J., dosReis, S., Gardner, J.F., Boles, M., and Lynch, F., *The Journal of the American Medical Association*, Vol. 283, No.8, February 2000.

⁶ *Identifying and Treating Attention Deficit Hyperactivity Disorder: A Resource for School and Home*, U.S. Department of Education, 2003, p.2.

⁷ *Identifying and Treating Attention Deficit Hyperactivity Disorder*, *Supra*, p. 1.

treatment for the child.⁸ These concerns have resulted in the consideration of federal legislation to require states to develop and implement policies and procedures prohibiting school personnel from requiring that a child obtain a prescription for a controlled substance in order to attend school.⁹

The National Conference of State Legislatures reports that a number of states are currently considering legislation related to psychotropic medications and psychiatric treatment.¹⁰ States that passed laws particular to this issue prior to 2003 included Connecticut that prohibited school personnel from recommending the use of psychotropic drugs for any child, but did not prohibit recommending a child be evaluated by a medical practitioner or school personnel from consulting one. Similarly, Virginia directed the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any students.

Concerns raised as the federal legislation has been debated have been that the legislation may deter educators from talking to parents about concerns with a student's emotional well-being and mental health. Educators were identified as a critical source of information about a child's behavior but they may potentially refrain from identifying mental health problems in a child due to fear of violating the law.¹¹ Students with ADHD may need the services provided under the federal Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 to assist them with their education needs. Schools are required by IDEA and Section 504 to provide special education or make modifications or adaptations for students whose ADHD adversely affects their educational performance. Adaptations available to assist ADHD students include "curriculum adjustments, alternative classroom organization and management, specialized teaching techniques and study skills, use of behavior management, and increased parent/teacher collaboration."¹² The position identified by the U.S. Department of Education relative to the role of the educators as it pertains to prescribing medications is that it is the responsibility of the medical professionals, not the educational professionals, to prescribe any medication.¹³ However, it was recognized that the input the educators can provide about the student's behavior can often aid in a diagnosis.

Statutory Sanctions for Misuse of Medications with Children¹

Sanctions are available through Florida law to respond to the harm that can be caused by misuse of medications including the child protection laws and criminal penalties. Inappropriate administration of medication could be considered child abuse if harm is caused by the misuse of the medications. Section 827.03(1), F.S., establishes the crime of child abuse, which is the intentional infliction of, or intentional act that could result in, mental or physical injury to a child. Committing the crime of child abuse is a third degree felony if there is no great bodily harm, permanent disability, or permanent disfigurement to the child. If the abuse results in great bodily harm, permanent disability, or permanent disfigurement to the child, the crime becomes

⁸ Child Medication Safety Act of 2003, 108th Congress, House of Representatives Report, May 21, 2003, p. 5

⁹ Child Medication Safety Act of 2003, *Supra*, p. 3.

¹⁰ *Psychotropic Medications in Schools*. National Conference of State Legislatures, April 1, 2004.

¹¹ Swindell, Bill, *House Votes to Bar School from Requiring Medication*, Congressional Quarterly, and Swindell, Bill, *Bill Would Prevent Schools from Requiring Drug Usage*, Congressional Quarterly.

¹² *Identifying and Treating Attention Deficit Hyperactivity Disorder*, *Supra*, p. 6.

¹³ Letter from Richard Riley of the U.S. Department of Education to Congressman Peter Hoekstra, November 21, 2000.

aggravated child abuse and is felony of the first degree (s. 827.03(2), F.S.). Third degree felonies are punishable by a term of imprisonment not to exceed 5 years, a \$5,000 fine, or, in the case of a violent career criminal, a longer term of imprisonment (ss. 775.082, 775.083, and 775.084, F.S.). A first degree felony is punishable by a term of imprisonment not to exceed 30 years or, under certain circumstances, life, a fine of \$10,000, or a longer term of imprisonment for the violent career criminal (ss. 775.082, 775.083, and 775.084, F.S.).

Controlled Substances

Federal law provides that Schedule II drugs or other substances:

- have a high potential for abuse.
- have a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- may lead, if abused, to severe psychological or physical dependence.¹⁴

Examples of schedule II drugs include opium and opiates. Federal rules governing Schedule II drugs are contained in 21 C.F.R. §1308. The Schedule II medications most commonly used in the management of ADHD include methylphenidate (e.g., Ritalin, Concerta) and amphetamine (e.g., Dexadrine, AdderallXR).¹⁵

Chapter 893, F.S., the Florida Comprehensive Drug Abuse and Prevention Act, contains standards and schedules, including Schedule II. Florida law (s. 893.04(1)(f), F.S., relating to pharmacists and practitioners) provides for dispensing schedule II drugs by pharmacists. A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription.

Florida administrative rule (Rule 64F-13.001, F.A.C.) defines an emergency situation, for purposes of authorizing an oral prescription of a controlled substance listed in Schedule II of the Federal Controlled Substance Act. The term "emergency situation" means those situations in which the prescribing practitioner determines:

- That immediate administration of the controlled substance is necessary, for proper treatment of the intended ultimate user; and
- That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under Schedule II of the Act; and
- That it is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance, prior to the dispensing.

Chapter 465, F.S., provides for the regulation of pharmacists. Section 465.0276, F.S., governs dispensing practitioners, and provides for the revocation or suspension of a

¹⁴ 21 U.S.C. § 812.

¹⁵ See *Helping Parents Make Sense of ADHD Diagnosis and Treatment: Medications Frequently Used in the Management of ADHD and Its Co-morbidities*, Journal of Pediatric Health Care, 17(3): 149-153, 2003. See http://www.medscape.com/viewarticle/453700_9

practitioner's registration if his or her respective board finds that he or she has dispensed medicinal drugs in violation of chapter 465, F.S.¹⁶

III. Effect of Proposed Changes:

Section 1. The bill prohibits a school district from requiring that a student, as a prerequisite to attendance or the reception of any other school district services, obtain a prescription for a controlled substance listed in schedule II under s. 202(c) of the federal Controlled Substances Act, 21 U.S.C. s. 812(c), as amended by Title 21 C.F.R. part 1308.

The Department of Education must develop rules containing policies and procedures that prohibit school personnel from requiring a student to obtain a prescription for a controlled substance in violation of the new provision in law.

Section 2. The bill provides an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be some minor costs associated with rulemaking.

¹⁶ Medicinal drugs are defined in s. 465.003(8), F.S., as those substances or preparations commonly known as "prescription" or "legend" drugs which are required by federal or state law to be dispensed only on a prescription, but must not include patents or proprietary preparations.

VI. Technical Deficiencies:

During the 2002 School Code revision, rulemaking authority was vested with the State Board of Education. Accordingly, the bill should be amended to conform to this change.

VII. Related Issues:

Chapter 458, F.S., governs the regulation of the practice of medicine by the Board of Medicine. Section 458.305, F.S., defines the “practice of medicine” to mean the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition. The Board of Medicine within the Department of Health (DOH) regulates the practice of medical physicians. Chapter 459, F.S., the osteopathic medical practice act, similarly provides for the regulation of osteopathic physicians by the Board of Osteopathic Medicine in DOH. Section 459.003, F.S., defines the “practice of osteopathic medicine” to mean the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition, which practice is based in part upon educational standards and requirements which emphasize the importance of the musculoskeletal structure and manipulative therapy in the maintenance and restoration of health.

Section 456.065(2), F.S., specifies penalties for the unlicensed practice of a health care profession. Section 465.065(2)(a-c), F.S., provides administrative and civil penalties for unlicensed activity. Section 465.065(2)(d), F.S., provides criminal penalties in addition to the criminal violations and penalties listed in the individual health care practice acts.

There does not appear to be an exemption from these practice acts for school district personnel to require students to obtain a prescription to treat a medical condition to attend school. Consequently, school district personnel who attempt to implement this policy may be subject to criminal penalties prohibiting the unlicensed practice of medicine under the provisions of chapter 458, F.S., or chapter 459, F.S.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

Bill No. SB 1578Amendment No. 1

021114

Senate

CHAMBER ACTION

House.
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.**EDUCATION**DATE: 4-19-04TIME: 12:20 pm

Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 743.0645, Florida Statutes, is amended to read:

743.0645 Other persons who may consent to medical care or treatment of a minor; Center for Juvenile Psychotropic Studies; creation; purpose; advisory board; report.--

(1) As used in this section, the term:

(a) "Blood testing" includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) testing and other blood testing deemed necessary by documented history or symptomatology but excludes HIV testing and controlled substance testing or any other testing for which separate court order or informed consent as provided by law is required.

(b) "Medical care and treatment" includes ordinary and necessary medical and dental examination and treatment,

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1 including blood testing, preventive care including ordinary
2 immunizations, tuberculin testing, and well-child care, but
3 does not include surgery, general anesthesia, provision of
4 psychotropic medications, or other extraordinary procedures
5 for which a separate court order, power of attorney, or
6 informed consent as provided by law is required.

7 (c) "Person who has the power to consent as otherwise
8 provided by law" includes a natural or adoptive parent, legal
9 custodian, or legal guardian.

10 (d) "Psychotropic medication" means a medicine that may
11 not be dispensed or administered without a prescription which
12 is used for the treatment of medical disorders, and includes
13 hypnotics, antipsychotics, antidepressants, antianxiety
14 agents, sedatives, and mood stabilizers such as lithium,
15 Depakote, and other anticonvulsants used as mood stabilizers
16 and psychomotor stimulants. This paragraph expires July 1,
17 2005.

18 (2) Any of the following persons, in order of priority
19 listed, may consent to the medical care or treatment of a
20 minor who is not committed to the Department of Children and
21 Family Services or the Department of Juvenile Justice or in
22 their custody under chapter 39, chapter 984, or chapter 985
23 when, after a reasonable attempt, a person who has the power
24 to consent as otherwise provided by law cannot be contacted by
25 the treatment provider and actual notice to the contrary has
26 not been given to the provider by that person:

27 (a) A person who possesses a power of attorney to
28 provide medical consent for the minor. A power of attorney
29 executed after July 1, 2001, to provide medical consent for a
30 minor includes the power to consent to medically necessary
31 surgical and general anesthesia services for the minor unless

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1 such services are excluded by the individual executing the
2 power of attorney.

3 (b) The stepparent.

4 (c) The grandparent of the minor.

5 (d) An adult brother or sister of the minor.

6 (e) An adult aunt or uncle of the minor.

7
8 There shall be maintained in the treatment provider's records
9 of the minor documentation that a reasonable attempt was made
10 to contact the person who has the power to consent.

11 (3) The Department of Children and Family Services or
12 the Department of Juvenile Justice caseworker, juvenile
13 probation officer, or person primarily responsible for the
14 case management of the child, the administrator of any
15 facility licensed by the department under s. 393.067, s.
16 394.875, or s. 409.175, or the administrator of any
17 state-operated or state-contracted delinquency residential
18 treatment facility may consent to the medical care or
19 treatment of any minor committed to it or in its custody under
20 chapter 39, chapter 984, or chapter 985, when the person who
21 has the power to consent as otherwise provided by law cannot
22 be contacted and such person has not expressly objected to
23 such consent. There shall be maintained in the records of the
24 minor documentation that a reasonable attempt was made to
25 contact the person who has the power to consent as otherwise
26 provided by law.

27 (4) The medical provider shall notify the parent or
28 other person who has the power to consent as otherwise
29 provided by law as soon as possible after the medical care or
30 treatment is administered pursuant to consent given under this
31 section. The medical records shall reflect the reason consent

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1 as otherwise provided by law was not initially obtained and
2 shall be open for inspection by the parent or other person who
3 has the power to consent as otherwise provided by law.

4 (5) The person who gives consent; a physician,
5 dentist, nurse, or other health care professional licensed to
6 practice in this state; or a hospital or medical facility,
7 including, but not limited to, county health departments,
8 shall not incur civil liability by reason of the giving of
9 consent, examination, or rendering of treatment, provided that
10 such consent, examination, or treatment was given or rendered
11 as a reasonable prudent person or similar health care
12 professional would give or render it under the same or similar
13 circumstances.

14 (6) The Center for Juvenile Psychotropic Studies is
15 created within the Department of Psychiatry of the College of
16 Medicine of the University of Florida. The purpose of the
17 center is to collect, track, and assess information regarding
18 minors in state custody held pursuant to chapter 39, chapter
19 984, or chapter 985 who have been or are currently being
20 prescribed psychotropic medications.

21 (a) In addition to determining the number of children
22 in state custody who are receiving psychotropic medications,
23 the types and dosages of medication being prescribed to those
24 children, and any other data relevant to scientifically
25 assessing the status of minors in state custody who are
26 receiving psychotropic medications, the center shall evaluate:

27 1. Whether the child received a full and complete
28 medical evaluation and, to the extent that the medication was
29 prescribed for a psychiatric condition and it is possible to
30 determine from available records, whether or not all other
31 possible physical causes had been ruled out prior to the

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1 prescribing of psychotropic medication.

2 2. What other treatments and services were recommended
3 for the child in addition to psychotropic medication and
4 whether or not those services were offered or delivered.

5 3. Whether or not informed consent was received from a
6 parent, legal guardian, or the court prior to initiating
7 treatment.

8 4. Whether or not followup monitoring and treatment
9 appropriate to the child's diagnosis and prescribed medication
10 were provided to the child.

11 5. In cases where court authorization was sought,
12 whether a full and complete child resource record was provided
13 to the court for decisionmaking purposes.

14 6. Whether or not the prescription for and type of
15 psychotropic medications prescribed for the child were
16 appropriate for the age and diagnosis of the child and
17 consistent with the medical standard of care for the treatment
18 of the child's condition.

19 (b) The director of the Center for Juvenile
20 Psychotropic Studies shall be appointed by the Dean of the
21 College of Medicine of the University of Florida.

22 (c) There is created an advisory board that shall
23 periodically and objectively review and advise the center on
24 the academic rigor and research parameters of all actions
25 taken pursuant to this subsection. The board shall consist of
26 the following nine members who have backgrounds in psychiatric
27 health:

28 1. The Secretary of Children and Family Services or
29 his or her designee;

30 2. The Secretary of Juvenile Justice or his or her
31 designee;

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1 3. The Secretary of Health Care Administration or his
2 or her designee;

3 4. The Secretary of Health or his or her designee;

4 5. One member appointed by the President of the Senate
5 from the Florida Psychiatric Society who specializes in
6 treating children and adolescents;

7 6. One member appointed by the Speaker of the House of
8 Representatives who is a pediatrician experienced in treating
9 children and adolescents with psychiatric diseases;

10 7. One member appointed by the President of the
11 University of Florida who is an epidemiologist; and

12 8. Two members appointed by the Governor, one of whom
13 has experience serving as a guardian ad litem to children and
14 adolescents in the custody of the state who have psychiatric
15 diseases, and one of whom is employed by the Louis de la Parte
16 Florida Mental Health Institute and has experience in the
17 academic study of children and adolescents with psychiatric
18 diseases.

19 (d) The center shall work in conjunction with the
20 Department of Children and Family Services, the Department of
21 Juvenile Justice, the Agency for Health Care Administration,
22 and the Department of Health, and, to the extent allowed by
23 the privacy requirements of federal and state laws, those
24 agencies shall work with the center and make available to the
25 center data regarding such dependent minors, including, but
26 not limited to:

27 1. Demographic information, including, but not limited
28 to, age, geographic location, and economic status.

29 2. A family history of each dependent minor,
30 including, but not limited to, the minor's involvement with
31 the child welfare system or the juvenile justice system, all

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Amendment No. _____



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1 applicable social service records, and all applicable court
2 records.

3 3. A medical history of each dependent minor,
4 including, but not limited to, the minor's medical condition.

5 4. All information regarding the medications
6 prescribed or administered to each minor, including, but not
7 limited to, information contained in each minor's medication
8 administration record.

9 5. Practice patterns, licensure, and board
10 certification of prescribing physicians.

11 (e) All oral and written records, information,
12 letters, and reports received, made, or maintained by the
13 center shall be maintained in a manner consistent with all
14 applicable state and federal law.

15 (f) A privilege against civil liability is granted to
16 any person furnishing medical records in furtherance of the
17 charge of the center, unless such person furnishing medical
18 records acted in bad faith or with malice in providing such
19 information. A person who participates in the center's
20 research activities or provides information to the center with
21 regard to the incompetence, impairment, or unprofessional
22 conduct of any health care provider licensed under chapter
23 458, chapter 459, chapter 460, chapter 461, chapter 462,
24 chapter 463, chapter 464, chapter 465, or chapter 466 may not
25 be held liable in any civil action for furnishing such medical
26 records if such person acts without intentional fraud or
27 malice.

28 (g) By January 1, 2005, the center shall report its
29 findings regarding psychotropic medications prescribed to
30 dependent minors in state custody to the President of the
31 Senate, the Speaker of the House of Representatives, and the

Bill No. SB 1578

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021114

1 appropriate committee chairs of the Senate and the House of
2 Representatives.

3 (h) This subsection expires July 1, 2005.

4 (7){6} The Department of Children and Family Services
5 and the Department of Juvenile Justice may adopt rules to
6 implement this section.

7 (8){7} This section does not affect other statutory
8 provisions of this state that relate to medical consent for
9 minors.

10 Section 2. Subsection (1) of section 39.401, Florida
11 Statutes, is amended to read:

12 39.401 Taking a child alleged to be dependent into
13 custody; law enforcement officers and authorized agents of the
14 department.--

15 (1) A child may only be taken into custody:

16 (a) Pursuant to the provisions of this part, based
17 upon sworn testimony, either before or after a petition is
18 filed; or

19 (b) By a law enforcement officer, or an authorized
20 agent of the department, if the officer or authorized agent
21 has probable cause to support a finding:

22 1. That the child has been abused, neglected, or
23 abandoned, or is suffering from or is in imminent danger of
24 illness or injury as a result of abuse, neglect, or
25 abandonment;

26 2. That the parent or legal custodian of the child has
27 materially violated a condition of placement imposed by the
28 court; or

29 3. That the child has no parent, legal custodian, or
30 responsible adult relative immediately known and available to
31 provide supervision and care.

Bill No. SB 1578

Amendment No. _____



021114

1
2 The refusal of a parent, legal guardian, or other person
3 responsible for a child's welfare to administer or consent to
4 the administration of any psychotropic medication to the child
5 does not, in and of itself, constitute grounds for the
6 department to take the child into custody, or for any court to
7 order that the child be taken into custody by the department,
8 unless the refusal to administer or consent to the
9 administration of psychotropic medication causes the child to
10 be neglected or abused.

11 Section 3. Section 402.3127, Florida Statutes, is
12 created to read:

13 402.3127 Unauthorized administration of medication.--

14 (1) An employee, owner, household member, volunteer,
15 or operator of a child care facility, large family child care
16 home, or family day care home, as defined in s. 402.302,
17 including a child care program operated by a public or
18 nonpublic school deemed to be child care under s. 402.3025,
19 which is required to be licensed or registered, may not,
20 without written authorization from a child's parent or legal
21 guardian, administer any medication to a child attending the
22 child care facility, large family child care home, or family
23 day care home. The written authorization to administer
24 medication must include the child's name, the date or dates
25 for which the authorization is applicable, dosage
26 instructions, and the signature of the child's parent or legal
27 guardian.

28 (2) In the event of an emergency medical condition
29 when a child's parent or legal guardian is unavailable, an
30 employee, owner, household member, volunteer, or operator of a
31 licensed or unlicensed child care facility, large family child

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Amendment No. _____



021114

care home, or family day care home may administer medication to a child attending the facility or home without the written authorization required in subsection (1) if the medication is administered according to instructions from a prescribing health care practitioner. The child care facility, large family child care home, or family day care home must immediately notify the child's parent or legal guardian of the emergency medical condition and of the corrective measures taken. If the parent or legal guardian remains unavailable and the child's emergency medical condition persists, the child care facility must immediately notify the child's medical care provider.

(3) As used in this section, the term "emergency medical condition" means circumstances in which a prudent layperson acting reasonably would believe that an emergency medical condition exists.

(4) (a) A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, if the violation results in serious injury to the child.

(b) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the violation does not result in serious injury to the child.

Section 4. Subsections (8) and (9) are added to section 1006.062, Florida Statutes, to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.--

(8) Each district school board shall adopt rules that prohibit all district school board personnel from recommending the use of psychotropic medications for any student. This

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021114

1 subsection does not prohibit district school board personnel
2 from recommending that a student be evaluated by an
3 appropriate medical practitioner and does not prohibit
4 district school board personnel from consulting with such a
5 practitioner with the consent of the student's parent.

6 (9) (a) A school district may not require that a
7 student who attends school in the district must, as a
8 prerequisite to the student's attending school or receiving
9 any other services of the school district, obtain a
10 prescription for a controlled substance listed in schedule II
11 under s. 202(c) of the federal Controlled Substances Act, 21
12 U.S.C. s. 812(c), as amended by Title 21 C.F.R. part 1308.

13 (b) The Department of Education shall develop rules
14 containing policies and procedures that prohibit school
15 personnel from requiring a student to obtain a prescription
16 for a controlled substance in violation of paragraph (a).

17 Section 5. This act shall take effect July 1, 2004.

18
19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23
24 and insert:

25 A bill to be entitled

26 An act relating to the prescription of
27 psychotropic medications to dependent minors;
28 amending s. 743.0645, F.S.; defining the term
29 "psychotropic medication"; creating the Center
30 for Juvenile Psychotropic Studies within the
31 Department of Psychiatry of the College of

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021114

1 Medicine of the University of Florida;
2 providing the purpose of the center; providing
3 for the appointment of a director; creating an
4 advisory board; providing for board membership;
5 requiring the center to work with the
6 Department of Children and Family Services, the
7 Department of Juvenile Justice, the Agency for
8 Health Care Administration, and the Department
9 of Health; requiring certain data relating to
10 dependent minors for whom psychotropic
11 medications have been prescribed to be made
12 available to the center, as legally allowed;
13 requiring the center to report to legislative
14 leaders by a specified date; providing for
15 future repeal; amending s. 39.401, F.S.;
16 providing that the refusal of a parent, legal
17 guardian, or other person responsible for a
18 child's welfare to administer or consent to the
19 administration of a psychotropic medication
20 does not by itself constitute grounds for
21 taking the child into custody; providing an
22 exception; creating s. 402.3127, F.S.;
23 prohibiting the unauthorized administration of
24 medication by personnel associated with child
25 care entities; providing an exception for
26 emergency medical conditions when the child's
27 parent or legal guardian is unavailable;
28 defining the term "emergency medical
29 condition"; providing penalties for violations;
30 amending s. 1006.062, F.S.; requiring district
31 school boards to adopt rules prohibiting

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021114

1 district school board personnel from
2 recommending the use of psychotropic
3 medications for any student; allowing such
4 personnel to recommend that a medical
5 practitioner evaluate a student and to consult
6 with such practitioners; providing that a
7 school district may not require a student to
8 obtain a prescription for any specified
9 controlled substance as a prerequisite to the
10 student's attending school or receiving other
11 services of the school district; providing for
12 rulemaking by the Department of Education;
13 providing an effective date.
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Bill No. SB 1578Amendment No. 2

351626

CHAMBER ACTION

SenateHouse.
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.**EDUCATION**DATE: 4-19-04TIME: 12:20 pm

Senator Wasserman Schultz moved the following **amendment to amendment** (021114):

Senate Amendment (with title amendment)

On page 11, between lines 16 and 17,

insert:

Section 5. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Prohibition on requiring certain medication.--

(1) Each district school board shall prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act, 21 U.S.C. s. 812(c), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state. This section does not prohibit school district personnel from consulting or sharing classroom-based observations with parents regarding a student's academic performance or behavior

Bill No. SB 1578

Amendment No. _____



351626

1 in the classroom or school or regarding the need for
2 evaluation for special education or related services provided
3 the evaluation is strictly academic and not psychologically or
4 psychiatrically based.

5 (2) The State Board of Education shall adopt rules to
6 administer this section.

7
8 (Redesignate subsequent sections.)
9

10
11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 13, line 12, after the semicolon
14

15 insert:

16 creating s. 1006.0625, F.S.; requiring district
17 school boards to prohibit school district
18 personnel from requiring a student to take
19 certain medication as a condition of attending
20 school or receiving educational services;
21 requiring the State Board of Education to adopt
22 rules;
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Bill No. SB 1578Amendment No. 3

271652

Senate

CHAMBER ACTION

House.
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EDUCATION

DATE 4-19-04TIME 12:00 noon

Senator Wasserman Schultz moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 12,

insert:

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Prohibition on requiring certain medication.--

(1) Each district school board shall prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act, 21 U.S.C. s. 812(c), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state. This section does not prohibit school district personnel from consulting or sharing classroom-based observations with parents regarding a student's academic performance or behavior in the classroom or school or regarding the need for

Bill No. SB 1578

Amendment No. ____



271652

1 evaluation for special education or related services provided
2 the evaluation is strictly academic and not psychologically or
3 psychiatrically based.

4 (2) The State Board of Education shall adopt rules to
5 administer this section.

6
7 (Redesignate subsequent sections.)
8
9

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, line 2, after the semicolon,
13

14 insert:

15 creating s. 1006.0625, F.S.; requiring district
16 school boards to prohibit school district
17 personnel from requiring a student to take
18 certain medication as a condition of attending
19 school or receiving educational services;
20 requiring the State Board of Education to adopt
21 rules;
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

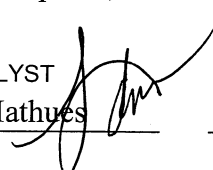

BILL: SB 1980

SPONSOR: Senator Fasano

SUBJECT: K-12 Education/Children of Military

DATE: April 8, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues 	O'Farrell 	ED	
2.			MS	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

Children of military personnel who receive military orders to transfer to Florida after a school year has begun must be allowed to enroll in the following schools or programs:

- public school choice options listed in s. 1002.20(6)(a), F.S.;
- public schools that provide exceptional student education; or
- public school exceptional student programs, if they were enrolled in these schools or programs in the state from which they transferred.

The bill prohibits a school's enrollment deadline from preventing these students from enrolling in a school or program. The bill requires priority listing of students for enrollment for the upcoming school term or year, if they are unable to enroll in a school or program due to space limitation.

This bill substantially amends s. 1003.05, F.S.

The bill's effective date is July 1, 2004.

II. Present Situation:

Military Students/Education¹

Military service often presents a number of challenges for school age children of military personnel. The average military child relocates every 2.9 years, three times more often than do their civilian counterparts. From kindergarten to graduation, the average military child attends six to nine different schools, including two to three high school transitions. In addition to the social and emotional challenges associated with new cities, schools, and classmates, transitioning military students often face a variety of academic and administrative hurdles.

¹ Senate Staff Analysis, CS/CS SB 1622.

Almost 80,000 active-duty military personnel are stationed in Florida and approximately 33,000 school age dependent children of active duty military families are in Florida.² For purposes of the Federal Impact Aid Program, the term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary concerned.³ The law further makes a distinction between "active duty for a period of more than 30 days" (e.g., active duty under a call or order that does not specify a period of 30 days or less) and "active service" (e.g. service on active duty).⁴

Assistance for Transitioning Students

Current law (s. 1003.05, F.S.) requires the Department of Education (DOE) to assist the transition of students from military families in the following manner:

- improving the timely transfer of records;
- developing systems to ease student transition during the first 2 weeks of enrollment;
- promoting practices which foster access to extracurricular programs;
- establishing procedures to lessen the adverse impact of moves from the end of the junior year as well as before and during the senior year;
- encouraging or continuing partnerships between the military base and the school system;
- providing services for transitioning students when applying to and finding funding for postsecondary study; and
- providing other assistance as identified by DOE, school, and military personnel.

Transfer Students

Section 1003.433, F.S., prohibits 11th and 12th grade students who transfer to a Florida public school from another state or a foreign country from being required to spend additional time in school in order to meet high school course requirements, if they have met all the graduation requirements of the originating school district, state, or country. Transfer students must meet the following requirements to receive a standard high school diploma:

- earn a 2.0 grade point average; and
- pass either the 10th grade FCAT or an alternative assessment in the newly created s. 1008.22(9), F.S.

Educational Options

Current law (s. 1002.20, F.S.) outlines the various educational choices available in Florida.

Parents have the following public school options:

- controlled open enrollment;
- developmental research (lab) schools;
- charter schools and charter technical career centers;
- magnet schools; and
- alternative schools and special programs.

² *Program to Assist and Support Florida's Military Families*, Senate interim project report (2004-153), November 2003.

³ The Federal Impact Aid law (Title VIII of the Elementary and Secondary Education Act of 1965 (ESEA)) provides financial assistance to local school districts with concentrations of federally connected children, including those residing on military bases and children who have parents in the uniformed services.

⁴ 37 U.S.C. § 101(18)

Other options are Advanced Placement® (AP), dual enrollment, International Baccalaureate (IB), early admissions, credit by examination or demonstration of competency, and the Florida Virtual School. The College Board's AP Program is a cooperative educational endeavor between secondary schools and colleges and universities. It offers high school students an opportunity to take college-level courses in a high school setting. Students who participate in the program earn college credit while they are still in high school. According to College Board staff, there is an existing collaborative relationship between the Department of Defense Education Activity (DoDEA) and the Board to facilitate the articulation of children of military families.⁵

The IB program authorized 1,355 schools in many countries to offer the following programs: the Diploma Program for students ages 16-18; the Middle Years Program for students ages 11-16; and the Primary Years Program for younger students. The programs are offered by state schools, public schools, private schools and international schools. Each school establishes its own enrollment policies.

Current law (s. 1002.31(1), F.S.) defines the term "controlled open enrollment" as a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor. Each district school board may offer controlled open enrollment within the public schools. The controlled open enrollment program is in addition to the existing choice programs (e.g., magnet schools, alternative schools, special programs, AP, and dual enrollment).

Each district school board must develop a controlled open enrollment plan, but must adhere to federal desegregation requirements. A plan that conflicts with federal desegregation orders may not be implemented. Districts must develop a system of priorities for these plans that includes consideration of the following:

- a required application process for program participation with an appellate process for hardship cases.
- a process that allows parents to declare school preferences, encourages placement of siblings within the same school, and promotes parental involvement.
- a lottery procedure for the school district to determine student assignment.
- the procedures to maintain socioeconomic, demographic, and racial balance.
- the availability of transportation.
- an information clearinghouse to help parents make informed choices.

School districts with schools that operate on both multiple session schedules and single session schedules must afford parents of students in multiple session schools preferred access to the controlled open enrollment program.

In addition, there are public school options associated with the following:

- the Opportunity Scholarship Program; and
- the McKay Scholarships for Students with Disabilities Program.

There are different eligibility criteria for each of these programs. Eligibility for the Opportunity Scholarship Program is based on attendance at a public school designated as performance grade

⁵ DoDEA is a civilian agency of the U.S. Department of Defense and the agency's schools serve the children of military service members and Department of Defense civilian employees throughout the world.

“F,” failing to make adequate progress.⁶ The McKay Scholarship Program serves eligible students with certain disabilities.

Residency

Florida administrative rule requires school districts to verify that the student is a resident of the school district and is enrolled in or has made application for admittance to a district school. However, the rule does not require verification that the student’s parent is a resident of the district. According to DOE, the agency’s database contains an element (Resident Status, State/County) in which districts are asked to indicate if the student is an out-of-state student enrolled in the school district. This element is not currently used to determine eligibility for FEFP funding at the state level.

School Calendar⁷

The calendars for school districts vary throughout the state. Students began the 2003-2004 school year in Florida public schools as early as August 1, 2003, in Washington County and as late as August 25, 2003, in Broward and Miami-Dade counties. Students began the school year during the week of July 28-August 1 in one district, during the week of August 4-8 in 34 districts, during the week of August 11-15 in 27 districts, during the week of August 18-22 in three districts, and during the week of August 25-29 in two districts. Modified, extended or year-round schools operate on a nontraditional school calendar. During the 2003-2004 school year, 20 schools in seven districts are expected to use the nontraditional calendar.

Free and Appropriate Public Education

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.⁸ Children who are placed in or referred to private schools or facilities by the state or appropriate school districts are provided special education and related services at no cost to their parents. There are more limited obligations for school districts to children with disabilities when the public agency made a free and appropriate public education available and the parents elected to place them in a private school or facility without the public agency’s consent or referral.⁹

Federal Child Find obligations require all children with disabilities residing in Florida, including children with disabilities attending private schools (regardless of the severity of their disabilities) and who are in need of special education and related services, to be identified, located, and evaluated. The state must also ensure that a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

Exceptional Students in Florida

Florida law (s. 1003.01(3) (a), F.S.) defines the term “exceptional student” as any student who

⁶ The public school must have had this designation for 2 years in a four-year period.

⁷ *School District Calendars 2003-2004*, Statistical Brief (2004-01B), Florida Department of Education, July 2003. See <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>

⁸ 20 U.S.C. s. 1412. See also 34 CFR s. 300.121

⁹ 20 U.S.C. s. 1412(a)(10)(C)(i).

has been determined eligible for a special program in accordance with State Board of Education (SBE) rule and includes students who are gifted and students with disabilities. The law further defines the term “exceptional students with disabilities.”¹⁰ Gifted students are not considered a subset of students with disabilities. Additionally, Florida administrative rules define gifted students.¹¹ Similarly, federal law appears to make a distinction between students with disabilities and students with special learning needs, including students who are gifted and talented.¹²

The DOE reported that 387,617 students were served in the ESE program in the fall of 2002. The program serves individuals aged 3 through 21, with children aged three to five being served by the program’s Prekindergarten Disabilities component. Some school districts opt to serve children from birth through two years.

Special Education Services

The law defines these services as specially designed instruction and such related services as are needed for an exceptional student to benefit from education, and may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by SBE rules.¹³

District School Boards

Current law (s. 1001.42(4), F.S.) requires district school boards to provide for an appropriate program of special instruction, facilities, and services for exceptional students, as prescribed by the State Board of Education (SBE) as acceptable in accordance with the provisions of s. 1003.57, F.S. State law and administrative rule require district school boards to provide these services either within the district school system, in cooperation with other district school systems, or through contracts with approved private schools or community facilities that meet standards established by the Commissioner of Education.

The law (s. 1003.57(5), F.S.) prohibits a student from being given special instruction or services as an exceptional student until he or she has been properly evaluated, classified and placed in the manner prescribed by SBE rule. The parent of an exceptional student evaluated, placed, or denied placement must be notified of each evaluation, placement, or denial. In addition, parents must be notified of the right to a due process hearing.

¹⁰ Exceptional students with disabilities (s. 1003.01(3)(a), F.S.) are those who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules.

¹¹ Rule 6A-6.03019, F.A.C., defines a gifted student as a student who has superior intellectual development and is capable of high performance and establishes the eligibility criteria for gifted instructional programs.

¹² See 20 U.S.C.A. ss. 6622 and 6623, related to grants under Chapter 70, Strengthening and Improvement of Elementary and Secondary Schools.

¹³ s. 1003.01(3)(b), F.S.

Temporary Assignment /Transferring Exceptional Students

Current rules provide for the immediate placement of out-of-state exceptional students who are enrolling in a Florida school district or in an educational program operated by DOE through grants or contractual agreements. If the student has a current IEP and evaluation data needed to determine that the student meets Florida eligibility criteria, he or she can be placed immediately in the appropriate educational program, without temporary assignment. The receiving district may review and revise the current IEP, as needed. Also, a transferring student may be temporarily assigned to a special program for a period not to exceed six months. Districts are required to establish policies and procedures related to temporary assignments, including verifying and documenting the student's previous program eligibility or assignment in the sending school or agency.

Matrix of Services

Current law, (s. 1011.62, F.S.) relating to determining the annual allocation to each district for operation, requires the General Appropriations Act to establish cost factors based on desired relative cost differences between specific programs. The Commissioner of Education must specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need (i.e., levels IV and V). Consequently, students who are at support levels I, II, and III do not necessarily have a matrix of services.

The funding model for exceptional student education programs uses specified FEFP cost factors, including support levels IV and V for exceptional students, and a guaranteed allocation for exceptional student education programs. The law also provides that:

- exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive; and
- the nature and intensity of the services indicated on the matrix must be consistent with the services described in each exceptional student's individual educational plan.

In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix may be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

III. Effect of Proposed Changes:

Children of military personnel who receive military orders to transfer to Florida after a school year has begun must be allowed to enroll in the following:

- a school or program included in the public school choice options, listed in s. 1002.20(6)(a), F.S.;
- a public school that provides exceptional student education; or
- a public school exceptional student program, if they were enrolled in these schools or programs in the state from which they transferred.

The bill prohibits a school's enrollment deadline from preventing these students from enrolling in a school or program. A student must be priority listed for enrollment for the upcoming school

term or school year, if he or she is unable to enroll in a school or program due to space limitation. The bill provides for access to exceptional programs in a public school or public school program. This would include students with disabilities and gifted students.

The bill provides an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill provides for access to public school choice options for the children of military families transitioning to Florida. This provision is limited to those families transferring to the state after the school year has begun. The fiscal impact associated with this provision will depend upon the number of families that actually transfer to Florida after the beginning of the school year.

The bill allows these students to enroll in the public school choice option under the McKay and Opportunity Scholarship Programs. To the extent that this is interpreted as waiving certain requirements, including prior attendance at a Florida public school, there will likely be an increase in the number of scholarship enrollees. However, the number of additional enrollees and the resulting fiscal impact, is presently indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Programs that are available in other states include AP and IB programs, although some of these options may differ in other states. For example:

- According to International Baccalaureate Organization staff, some schools may not accept students who are transferring from one IB school to another due to differences in the sequence of courses offered within the same subject area. Also, not all schools offer the same subject areas.¹⁴

The bill provides for access to these options even if the student was not previously enrolled in the programs or courses.

Some public choice options are unique to Florida (e.g., the McKay Scholarship and the Opportunity Scholarship Programs) and require prior year attendance at a Florida public school as a condition of eligibility. Also, certain students that participate in the public school option under the McKay Scholarship Program are subject to the same requirement for a matrix of services as other public school students with disabilities (e.g., a school district must complete a matrix for students with the highest levels of need). The matrix is used to determine funding for these students. Students whose parents choose the option of attending another public school must also have an individual education plan (IEP).¹⁵ The bill infers but does not explicitly waive the eligibility requirements for either of these programs.

Military students with disabilities who transfer from another state or from a foreign country will have an IEP, but will not have a matrix of services, since the matrix requirement is unique to Florida. If the parents want a child with a high level of need (level IV or V) to participate in the McKay Program at a public school, a matrix will be needed to determine the school district funding level. The bill does not provide for a matrix under these circumstances nor does it provide for verifying the military orders of transitioning military personnel.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

¹⁴See <http://www.ibo.org/ibo/index.cfm?page=/ibo/faq&language=EN> , April 2004.

¹⁵ Federal and state laws require an individual education plan for students with disabilities. See 20 U.S.C. s. 1412 and s. 1002.39, F.S. Section 1002.39, F.S., provides that students with disabilities include K-12 students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.

Bill No. SB 1980Amendment No. 

963958

Senate

CHAMBER ACTION

House.
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.**EDUCATION**DATE: 4-19-04
TIME: 10:15 am

Senator Wise moved the following amendment:

Senate Amendment (with title amendment)On page 1, line 29, delete "priority"

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 7, delete "priority"

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2310

SPONSOR: Senator Atwater

SUBJECT: Reading Deficiencies

DATE: April 20, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady <i>VAD</i>	O'Farrell <i>[Signature]</i>	ED	
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 2310 requires all elementary schools to regularly assess the reading ability of each K-3 student and to notify parents of any problems. The bill provides that these requirements should operate in addition to, not in lieu of, the requirements set forth in s. 1008.25, F.S.

The bill would also establish a Reading Enhancement and Acceleration Initiative in each school district. The dual focus of this initiative would be to:

- Prevent the retention of 3rd-grade students by implementing remediation for all K-3 students at risk of retention, including daily 30- to 45- minute intensive instruction by trained staff, and
- Provide accelerated reading instruction to 3rd-grade students who fail to meet standards for promotion to the 4th grade, including daily, 60- to 90-minute intensive instruction by trained and certified instructional staff. Each student that had been retained would be entitled to be reassessed every 9 weeks and could be promoted upon achieving a passing score on a test determined by the Department of Education. Retained students would also be offered additional services to enable them to remain on grade level in other academic areas.

This bill substantially amends section 1002.20 of the Florida Statutes and creates a new section of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

Current State Law

Section 1008.25, F.S.: Student progression; Academic improvement plans

Section 1008.25, F.S., requires district school boards to establish comprehensive programs for student progress that must include, in relevant part, specific levels of performance in reading for each grade level, including performance levels on statewide assessments. Students are required to participate in the statewide assessment tests required by s. 1008.22, F.S. (the Florida Comprehensive Assessment Test). Students who perform below required performance levels must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

For students who do not meet designated proficiency levels, the school must consult with the student's parent and implement an academic improvement plan (AIP) for the student that is designed to help the student meet state and district proficiency expectations. Additionally, if a student has a deficiency specifically in reading, the AIP must identify:

- the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary;
- desired levels of performance in these areas; and
- instructional and support services that will be provided to meet the desired levels of performance.

Schools are also required to frequently monitor each student's progress in meeting the desired levels of performance.

Districts are required to assist schools in implementing research-based reading activities that have been shown to be successful in teaching reading.

In addition to these requirements, under s. 1008.25(7), each school board is required to annually report to parents the student's progress toward achieving state and district expectations for proficiency in reading. The parent must also receive the student's results on each statewide assessment test. Under s. 1008.25(4)(b), the student may receive remediation or be retained in an intensive program that is different from the previous year's program and that takes into consideration the student's learning style.

Section 1008.25(5), F.S.: Reading deficiency in grades K-3

Under s. 1008.25(5), any student who exhibits a substantial deficiency in reading, based on (1) a locally determined or statewide assessment conducted in any of grades K-3 or (2) teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observation at the beginning of the grade following the intensive reading instruction. The student must continue to receive remediation until the reading deficiency is remedied.

If the student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring above Level 1 on the 3rd grade FCAT reading test, the student must be retained.

The parent of any student who shows a substantial deficiency in reading must be provided with:

- written notification that the student has been identified as having a substantial deficiency in reading;
- a description of the current services provided to the child;
- a description of the proposed supplemental instructional services and support that will be provided to the child to remediate the reading deficiency;
- a description of the mandatory retention policy for 3rd grade students; and
- strategies to use in helping the child succeed in reading proficiency.

Section 1002.20, F.S.: K-12 student and parent rights

Section 1002.20, F.S., currently provides that parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways to help their child to succeed in school. The section delineates several statutory rights afforded to K-12 students and their parents.

Section 1008.32, F.S.: State Board of Education oversight enforcement authority

Section 1008.32., F.S., provides that district school boards are primarily responsible for compliance with law and state board rule. If the State Board of Education determines that a district school board is unwilling or unable to comply with law or state board rule within a specified time frame, the state board may:

- report to the Legislature that the school district has been unwilling or unable to comply with the law or rule and recommend that action be taken by the Legislature;
- withhold the transfer of state funds, discretionary grant funds, or any other eligible funds until the district is in compliance;
- reduce the district's discretionary lottery appropriation until the school district complies with the law or rule;
- declare the district ineligible for competitive grants; or
- require monthly or periodic reporting on the areas of noncompliance until they are remedied.

Section 1008.22(3), F.S.: Student Assessment

Section 1008.22(3), F.S., requires the Commissioner of Education to develop and implement a student achievement testing program, the Florida Comprehensive Assessment (FCAT), as part of the statewide educational assessment program that provides information for improving the operation and management of public schools. Participation in the testing program is mandatory for all students attending public school, except as otherwise prescribed by the Commissioner. Parents of students who do not participate in the assessment program must be provided specific

information about possible consequences. School districts must provide appropriate remediation to students who score below the levels established for each subject area. Florida currently requires public school students in grades 3 through 10 to annually take the reading portion of the FCAT.

Current State Reading Initiatives for K-3 Students¹

Just Read, Florida!

Just Read, Florida! is the state's umbrella program for reading initiatives. It was created in 2001 by Executive Order 01-260 as a comprehensive and coordinated reading initiative, and includes such programs as Read to Learn, a public awareness campaign regarding 3rd grade reading issues; Read Together, Florida, a statewide book club; Just Read, Families! month, which encourages parents to read with their children during the summer; Building Better Readers family workshops, where parents can learn about activities their grade K-3 children can do to improve reading performance; and other related initiatives.

Federal Funding: Reading First

Florida has received or will receive federal Reading First funds that will total more than \$300 million over six years, to help reach state reading goals. Reading First grants assist Florida school districts and schools to implement proven methods of scientifically based reading instruction, in order to prevent reading difficulties in grades K-3. Grants are awarded to individual school districts upon application. This competitive sub-grant process ensures that Florida school districts meet the eligibility criteria prescribed by the Reading First federal legislation and Florida's state grant application.

Florida Center for Reading Research (FCRR)

The FCRR is a state partner located at Florida State University that has been actively involved in conducting research and developing reading programs for all students, but particularly for students in grades K-3. The FCRR's projects include:

- Development and implementation of a web-based data management and student reporting system for K-3 classrooms that will provide information to help manage and improve instruction for individual children, classrooms, and schools;
- State-wide training for personnel from Reading First schools in the administration and interpretation of reliable and valid measures of reading progress for grades K-3;
- Development of a web site that will make research-based information about reading widely available;
- Development of high quality professional development modules for literacy instruction for Reading First teachers and school psychologists;

¹ Source: www.fldoe.org.

- Development of efficient computer-based and group-administered early reading progress monitoring assessments for children in grades K-3;
- Preparation of videos and interactive CDs on the basic science of reading, reading instruction, and reading assessment; and
- Development of valid early literacy assessment methods for preschool children ages 3-5.

III. Effect of Proposed Changes:

Section 1

The bill amends s. 1002.20, F.S., to provide that each elementary school must regularly assess the reading ability of each K-3 student. If any student shows a reading deficiency, the student's parent must be immediately notified, and the nature of the student's reading problems must be explained to the parent. Parents must be consulted in the development of a detailed academic improvement plan and must be informed that the student will be given intensive reading instruction until the deficiency is corrected. The provision specifically states that it is designed to operate in addition to the provisions of s. 1008.25, F.S.

Section 2

The bill establishes a Reading Enhancement and Acceleration Initiative in each school district. The dual focus of the initiative is to:

- Prevent the retention of 3rd-grade students by implementing a method and system for preventing illiteracy in grades K-3;
- Provide intensive reading instruction to 3rd-grade students who fail to meet standards for promotion to 4th grade.

Reading enhancement initiative

The reading enhancement initiative would be provided to all K-3 students at risk of retention, as identified by the Dynamic Indicators of Basic Early Literacy Skills (DIBELS), which is the statewide assessment system used in Florida Reading First schools. The initiative must:

- Include daily 30- to 45-minute intensive instruction delivered by trained professional and paraprofessional staff;
- Be provided during regular school hours in addition to regular reading instruction;
- Provide a state-identified reading curriculum that has been reviewed by the FCRR and meets the following criteria:
 - It assists struggling readers;
 - It provides skill development in the 5 essential components of reading identified by Reading First;
 - It is research-based and has a proven method and system for preventing illiteracy;

- It provides scientifically-based and reliable assessment;
- It provides correct placement within the reading program;
- It provides initial and ongoing analysis of each student's reading progress;
- It includes a computerized management system for immediate analysis and reporting to school officials and parents; and
- It includes a DIBELS assessment, or an equivalent measure, which is integrated into the curriculum.

Reading acceleration initiative

The reading acceleration initiative must be provided through "reading acceleration centers" to all 3rd-grade students who fail to meet standards for promotion to the 4th grade. The acceleration initiative:

- must be implemented during regular school hours;
- must include daily 60- to 90-minute intensive, accelerated reading instruction delivered by trained, high-quality instructional staff who are certified in elementary education or reading, or hold an endorsement in reading
- must offer core education services to enrolled students to enable the students to stay on grade level in other academic areas, and
- must adopt a reading curriculum that meets all of the criteria required for the reading curriculum of the reading enhancement initiative (as further described above).

Student and parent rights

The bill provides the following student and parental rights:

- A student retained pursuant to s. 1008.25, F.S., may attend a reading acceleration center.
- Every retained student must be assessed every 9 weeks and will be promoted to 4th grade if the student achieves a passing score on a nationally recognized standardized test selected by the Department of Education.
- If a student achieves a score on a test administered pursuant to this provision that does not result in promotion to the 4th grade, the school, in consultation with the student's parent, must modify the student's AIP to reflect the student's current level of performance in phonemic awareness, phonics, fluency, vocabulary, and comprehension. During this process, the parent must be informed of all instructional and support services available to improve the student's reading ability.

School district compliance

Any school district that does not comply with the requirements of the section will be subject to the oversight and enforcement provisions contained in s. 1008.32, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Academic improvement plans and parental involvement provisions are already contained in current law; accordingly, school districts should already have systems in place to facilitate some of the requirements of the bill. The bill's requirements, however – particularly with respect to frequent retesting of students, as well as specified daily remediation – will likely require additional resources that will vary by district.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)


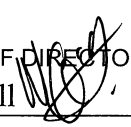
BILL: PCS/SB 2310

SPONSOR: Senator Atwater

SUBJECT: Reading Deficiencies

DATE: April 20, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady 	O'Farrell 	ED	
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

PCS/SB 2310 requires all elementary schools to regularly assess the reading ability of each K-3 student. The bill also provides several new parental notification requirements and establishes systems to enhance K-3 student progression. It requires the implementation – primarily by school districts – of a number of new programs to help remedy reading deficiencies in students who have been retained or are in danger of being retained due to mandatory retention provisions of state law. Required new initiatives for retained students or students in danger of retention include:

- o mandatory review of existing academic improvement plans;
- o mandatory preparation of academic portfolios for certain students;
- o intensive reading instruction, for 90 minutes daily;
- o written notification to parents when a student will not be promoted, including information as to why statutory good cause exemptions did not apply to the student;
- o implementation of a policy for mid-year promotion of retained students;
- o provision of high-performing teachers for retained students;
- o involvement of parents in choosing additional remedial options for their children;
- o establishment of a Reading Enhancement and Acceleration Development (READ) Initiative, the focus of which is to prevent the retention of 3rd grade students and to offer intensive reading instruction to K-3 students who exhibit a reading deficiency; and
- o implementation of transitional instructional settings for certain retained 3rd grade students.

This bill substantially amends sections 1002.20 and 1008.25 of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

Current State Law

Section 1008.25, F.S.: Student progression; Academic improvement plans

Section 1008.25, F.S., requires district school boards to establish comprehensive programs for student progress that must include, in relevant part, specific levels of performance in reading for each grade level, including performance levels on statewide assessments. Students are required to participate in the statewide assessment tests required by s. 1008.22, F.S. (the Florida Comprehensive Assessment Test). Students who perform below required performance levels must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

For students who do not meet designated proficiency levels, the school must consult with the student's parent and implement an academic improvement plan (AIP) for the student that is designed to help the student meet state and district proficiency expectations. Additionally, if a student has a deficiency specifically in reading, the AIP must identify:

- the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary;
- desired levels of performance in these areas; and
- instructional and support services that will be provided to meet the desired levels of performance.

Schools are also required to frequently monitor each student's progress in meeting the desired levels of performance.

Districts are required to assist schools in implementing research-based reading activities that have been shown to be successful in teaching reading.

In addition to these requirements, under s. 1008.25(7), each school board is required to annually report to parents the student's progress toward achieving state and district expectations for proficiency in reading. The parent must also receive the student's results on each statewide assessment test. Under s. 1008.25(4)(b), the student may receive remediation or be retained in an intensive program that is different from the previous year's program and that takes into consideration the student's learning style.

Section 1008.25(5), F.S.: Reading deficiency in grades K-3

Under s. 1008.25(5), any student who exhibits a substantial deficiency in reading, based on (1) a locally determined or statewide assessment conducted in any of grades K-3 or (2) teacher observation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observation at the beginning of the grade following the intensive reading instruction. The student must continue to receive remediation until the reading deficiency is remedied.

If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring above Level 1 on the 3rd grade FCAT reading test, the student must be retained.

The parent of any student who shows a substantial deficiency in reading must be provided with:

- written notification that the student has been identified as having a substantial deficiency in reading;
- a description of the current services provided to the child;
- a description of the proposed supplemental instructional services and support that will be provided to the child to remediate the reading deficiency;
- a description of the mandatory retention policy for 3rd grade students; and
- strategies to use in helping the child succeed in reading proficiency.

Section 1002.20, F.S.: K-12 student and parent rights

Section 1002.20, F.S., currently provides that parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways to help their child to succeed in school. The section delineates several statutory rights afforded to K-12 students and their parents.

Section 1008.22(3), F.S.: Student Assessment

Section 1008.22(3), F.S., requires the Commissioner of Education to develop and implement a student achievement testing program, the Florida Comprehensive Assessment Test (FCAT), as part of the statewide educational assessment program that provides information for improving the operation and management of public schools. Participation in the testing program is mandatory for all students attending public school, except as otherwise prescribed by the Commissioner. Parents of students who do not participate in the assessment program must be provided specific information about possible consequences. School districts must provide appropriate remediation to students who score below the levels established for each subject area. Florida currently requires public school students in grades 3 through 10 to annually take the reading portion of the FCAT.

Current State Reading Initiatives for K-3 Students¹

Just Read, Florida!

Just Read, Florida! is the state's umbrella program for reading initiatives. It was created in 2001 by Executive Order 01-260 as a comprehensive and coordinated reading initiative, and includes such programs as Read to Learn, a public awareness campaign regarding 3rd grade reading issues; Read Together, Florida, a statewide book club; Just Read, Families! month, which encourages parents to read with their children during the summer; Building Better Readers family workshops, where parents can learn about activities for their grades K-3 children to improve reading performance; and other related initiatives.

¹ Source: www.fldoe.org.

Federal Funding: Reading First

Florida has received or will receive federal Reading First funds that will total more than \$300 million over six years, to help reach state reading goals. Reading First grants assist Florida school districts and schools to implement proven methods of scientifically based reading instruction, in order to prevent reading difficulties in grades K-3. Grants are awarded to individual school districts upon application. This competitive sub-grant process ensures that Florida school districts meet the eligibility criteria prescribed by the Reading First federal legislation and Florida's state grant application.

Florida Center for Reading Research (FCRR)

The FCRR is a state partner located at Florida State University that has been actively involved in conducting research and developing reading programs for all students, but particularly for students in grades K-3. The FCRR's projects include:

- Development and implementation of a web-based data management and student reporting system for K-3 classrooms that will provide information to help manage and improve instruction for individual children, classrooms, and schools;
- State-wide training for personnel from Reading First schools in the administration and interpretation of reliable and valid measures of reading progress for grades K-3;
- Development of a web site that will make research-based information about reading widely available;
- Development of high quality professional development modules for literacy instruction for Reading First teachers and school psychologists;
- Development of efficient computer-based and group-administered early reading progress monitoring assessments for children in grades K-3;
- Preparation of videos and interactive CDs on the basic science of reading, reading instruction, and reading assessment; and
- Development of valid early literacy assessment methods for preschool children ages 3-5.

III. Effect of Proposed Changes:*Section 1*

The bill amends s. 1002.20, F.S., to provide that each elementary school must regularly assess the reading ability of each K-3 student. If any student shows a reading deficiency, the student's parent must be immediately notified, and the nature of the student's reading problems must be explained to the parent. Parents must be consulted in the development of a detailed academic improvement plan and must be informed that the student will be given intensive reading

instruction until the deficiency is corrected. The provision specifically states that it is designed to operate in addition to, not in lieu of, the provisions of s. 1008.25, F.S.

Section 2

The bill amends s. 1008.25, F.S., to provide new parental notification requirements and to establish new systems for successful K-3 student progression.

Parental notification

The proposed committee substitute provides that the parent of any child in grades K-3 who exhibits a substantial deficiency in reading must be notified in writing that the FCAT is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to assist parents and school personnel in making grade promotion decisions. Information must also be provided on the school district's criteria and policies for mid-year promotion of retained students.

Good cause promotion provisions

The bill would provide a good cause exemption from mandatory retention requirements for:

- students with disabilities who participate in the FCAT, have received remediation in reading, and were previously retained in grade 3; and
- students who have received the intensive remediation in reading required by law but still demonstrate deficiency in reading and were previously retained in grades kindergarten through 3 for a total of 2 years.

Student progression provisions

Intensive intervention requirement

The bill provides that students subject to mandatory 3rd grade retention due to FCAT scores must be provided intensive intervention in reading to cure their specific reading problems, as identified by a valid and reliable diagnostic assessment.

The intensive intervention must include:

- effective instructional strategies;
- participation for no less than 6 weeks in the district's summer reading camp; and
- appropriate teaching methodologies to assist the students in reading and progressing to the next grade.

Requirements of school districts

Beginning in the 2004-2005 school year, each school district must:

- Review the AIP of each student who did not score above Level 1 of the FCAT reading test and did not receive a good cause exemption for promotion. This review must address additional services needed to remediate identified problem areas in the student's reading.
- Require completion of a student portfolio for each student who did not score above Level 1 on the FCAT reading test and did not receive a good cause exemption for promotion.
- Provide students who are subject to mandatory retention with intensive instructional services to remediate identified problem areas in reading. These services must include a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district. The other strategies may include:
 - Small group instruction;
 - Reduced teacher-student ratios;
 - More frequent monitoring of student progress;
 - Tutoring or mentoring;
 - Transition classes containing 3rd and 4th grade students;
 - Extended school day, week, or year; or
 - Summer reading camps.
- Provide written notification to the parent of any student who is retained pursuant to mandatory retention requirements that their child has not met the requirements for promotion, together with the reasons that the child is not eligible for a statutory good cause exemption. This notification must comply with s. 1002.20(11), F.S., and must include a description of the proposed interventions that will be provided to remediate the child's reading deficiencies.
- Implement a policy for mid-year promotion of retained 3rd grade students who are ready for promotion to 4th grade. Districts may use subsequent assessments, alternative assessments, or portfolio reviews to reevaluate retained students for these purposes. Students promoted mid-year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the SBE. The bill also requires the SBE to adopt standards to help ensure that each student's progress is sufficient to master appropriate 4th grade level reading skills.
- Provide students who are retained under mandatory retention requirements with a high-performing teacher, as determined by student performance data and above-satisfactory performance appraisals.
- Provide parents of retained students with at least one of the following options:
 - Supplemental tutoring in research-based reading services in addition to the regular reading block, including tutoring before and after school;
 - A "Read at Home" plan, outlined in a parental contract, that includes participation in related workshops and regular parent-guided home reading; or

- A mentor or tutor with specialized training in reading.
- Establish a Reading Enhancement and Acceleration Development (READ) Initiative, the focus of which is to prevent the retention of 3rd grade students and to offer intensive reading instruction to K-3 students who exhibit a reading deficiency. The READ Initiative must:
 - be provided to all K-3 students at risk of retention, as identified by the statewide assessment system used in Reading First schools
 - be provided during regular school hours, in addition to regular reading instruction
 - provide a state-identified reading curriculum that has been review by the FCRR and meets, at a minimum, these qualifications:
 - It assists students in developing the ability to read at grade level;
 - It provides skill development in designated reading areas;
 - It provides scientifically based and reliable assessment;
 - It provides initial and ongoing analysis of each student's reading progress;
 - It is implemented during regular school hours; and
 - It provides a curriculum to assist students in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.
- Establish at each school, where applicable, an intensive acceleration class for retained 3rd grade students who score at Level 1 on the FCAT reading test subsequent to their retention. The focus of this class will be to increase a child's reading level at least 2 grade levels in 1 school year. The class must:
 - be provided to any student in grade 3 who scores at level 1 on the FCAT reading test and who was retained in grade 3 the prior year because of scoring at Level 1 on the FCAT reading test;
 - have reduced student-teacher ratios;
 - provide uninterrupted reading instruction for the majority of student contact time each day;
 - incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas;
 - use a reading program that is scientifically research-based and has proven results in accelerating student achievement;
 - provide intensive language and vocabulary instruction using a research-based program, including use of a speech-language therapist;
 - include weekly progress monitoring measures to ensure that progress is being made; and
 - report the students' progress to the DOE at the end of the first semester.
- Report to the SBE, as requested, on the intervention and support implemented at the district level. The Commissioner of Education is required to annually prescribe the required components of these reports.

- Provide a student who has been retained in grade 3, has received intensive services, but is still not ready for grade promotion the option of being placed in a transitional instructional setting. This setting must specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while remediating reading deficiencies.

Section 3

The bill will take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Academic improvement plans and certain parental involvement provisions are already contained in current law; accordingly, school districts should already have systems in place to facilitate some of the requirements of the bill. The bill's requirements, however – particularly with respect to specified daily remediation, as well as some of the new intensive remedial measures – may require additional resources for school districts to implement. Additional required resources would likely vary by district. The DOE reports, however, that no fiscal impact will be incurred in connection with this legislation and that the bill may be implemented using existing funding sources such as Supplemental Academic Instruction (SAI) funds, funds generated under the FEFP, Just Read, Florida! funds, and available federal funds such as Title I, Title II, and Individuals with Disabilities Education Act funds.

VI. Technical Deficiencies:

As noted above, the bill requires school districts to provide written notification to the parent of any student who is retained pursuant to statutory mandatory retention requirements that their child has not met requirements for promotion, together with the reasons the child is not eligible for a statutory good cause exemption. The bill provides that this notification must comply with s. 1002.20(11), F.S.; however, this section of law relates to the pledge of allegiance. It may be helpful to changes this cross-reference to s. 1002.20(14), F.S., or another applicable section of law.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

1 A bill to be entitled
2 An act relating to reading deficiencies;
3 amending s. 1002.20, F.S.; providing certain
4 rights to parents of students with reading
5 deficiencies; requiring that parents receive
6 understandable information and are consulted
7 regarding a child's academic progress; amending
8 s. 1008.25, F.S.; removing an obsolete date;
9 providing notification of additional
10 information to parents of students who exhibit
11 a substantial reading deficiency; revising
12 certain good cause exemptions from mandatory
13 retention; requiring school districts to
14 provide certain reading interventions to
15 students who have been retained; providing
16 school district requirements relating to
17 remediation of student reading deficiencies,
18 parental notification, implementation of a
19 mid-year promotion policy, provision of
20 instructional options for students,
21 establishment of a Reading Enhancement and
22 Acceleration Development (READ) Initiative,
23 establishment of an intensive acceleration
24 class for retained 3rd grade students, and
25 reporting; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsections (11) through (22) of section
30 1002.20, Florida Statutes, are renumbered as subsections (12)

31

EDUCATION

DATE:

4-19-04

TIME:

9:00 am

1 through (23), respectively, and a new subsection (11) is added
2 to that section to read:

~~3~~ 1002.20 K-12 student and parent rights.--Parents of
4 public school students must receive accurate and timely
5 information regarding their child's academic progress and must
6 be informed of ways they can help their child to succeed in
7 school. K-12 students and their parents are afforded numerous
8 statutory rights including, but not limited to, the following:

9 (11) STUDENTS WITH READING DEFICIENCIES.--Each
10 elementary school shall regularly assess the reading ability
11 of each K-3 student. The parent of any K-3 student who
12 exhibits a reading deficiency shall be immediately notified of
13 the student's deficiency with a description and explanation,
14 in terms understandable to the parent, of the exact nature of
15 the student's difficulty in learning and lack of achievement
16 in reading; shall be consulted in the development of a
17 detailed academic improvement plan, as described in s.
18 1008.25(4)(b); and shall be informed that the student will be
19 given intensive reading instruction until the deficiency is
20 corrected. This subsection operates in addition to the
21 remediation and notification provisions contained in s.
22 1008.25 and in no way reduces the rights of a parent or the
23 responsibilities of a school district under that section.

24 Section 2. Subsection (5) and paragraph (b) of
25 subsection (6) of section 1008.25, Florida Statutes, are
26 amended, subsections (7), (8), and (9) are renumbered as
27 subsections (8), (9), and (10), respectively, and a new
28 subsection (7) is added to that section, to read:

29 1008.25 Public school student progression; remedial
30 instruction; reporting requirements.--

31 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

1 (a) It is the ultimate goal of the Legislature that
2 every student read at or above grade level. Any student who
3 exhibits a substantial deficiency in reading, based upon
4 locally determined or statewide assessments conducted in
5 kindergarten or grade 1, grade 2, or grade 3, or through
6 teacher observations, must be given intensive reading
7 instruction immediately following the identification of the
8 reading deficiency. The student's reading proficiency must be
9 reassessed by locally determined assessments or through
10 teacher observations at the beginning of the grade following
11 the intensive reading instruction. The student must continue
12 to be provided with intensive reading instruction until the
13 reading deficiency is remedied.

14 (b) Beginning with the 2002-2003 school year, if the
15 student's reading deficiency, as identified in paragraph (a),
16 is not remedied by the end of grade 3, as demonstrated by
17 scoring at Level 2 or higher on the statewide assessment test
18 in reading for grade 3, the student must be retained.

19 (c) ~~Beginning-with-the-2002-2003-school-year,~~ The
20 parent of any student who exhibits a substantial deficiency in
21 reading, as described in paragraph (a), must be notified in
22 writing of the following:

23 1. That his or her child has been identified as having
24 a substantial deficiency in reading.

25 2. A description of the current services that are
26 provided to the child.

27 3. A description of the proposed supplemental
28 instructional services and supports that will be provided to
29 the child that are designed to remediate the identified area
30 of reading deficiency.

1 4. That if the child's reading deficiency is not
2 remediated by the end of grade 3, the child must be retained
3 unless he or she is exempt from mandatory retention for good
4 cause.

5 5. Strategies for parents to use in helping their
6 child succeed in reading proficiency.

7 6. That the Florida Comprehensive Assessment Test
8 (FCAT) is not the sole determiner of promotion and that
9 additional evaluations, portfolio reviews, and assessments are
10 available to the child to assist parents and the school
11 district in knowing when a child is reading at or above grade
12 level and ready for grade promotion.

13 7. The district's specific criteria and policies for
14 mid-year promotion. Mid-year promotion means promotion of a
15 retained student at any time during the year of retention once
16 the student has demonstrated ability to read at grade level.

17 (6) ELIMINATION OF SOCIAL PROMOTION.--

18 (b) The district school board may only exempt students
19 from mandatory retention, as provided in paragraph (5)(b), for
20 good cause. Good cause exemptions shall be limited to the
21 following:

22 1. Limited English proficient students who have had
23 less than 2 years of instruction in an English for Speakers of
24 Other Languages program.

25 2. Students with disabilities whose individual
26 education plan indicates that participation in the statewide
27 assessment program is not appropriate, consistent with the
28 requirements of State Board of Education rule.

29 3. Students who demonstrate an acceptable level of
30 performance on an alternative standardized reading assessment
31 approved by the State Board of Education.

1 4. Students who demonstrate, through a student
2 portfolio, that the student is reading on grade level as
3 evidenced by demonstration of mastery of the Sunshine State
4 Standards in reading equal to at least a Level 2 performance
5 on the FCAT.

6 5. Students with disabilities who participate in the
7 FCAT and who have an individual education plan or a Section
8 504 plan that reflects that the student has received the
9 intensive remediation in reading, as required by paragraph
10 (4) (b), for more than 2 years but still demonstrates a
11 deficiency in reading and was previously retained in
12 kindergarten, grade 1, ~~or~~ grade 2, or grade 3.

13 6. Students who have received the intensive
14 remediation in reading as required by paragraph (4) (b) for 2
15 or more years but still demonstrate a deficiency in reading
16 and who were previously retained in kindergarten, grade 1, ~~or~~
17 grade 2, or grade 3 for a total of 2 years. Intensive reading
18 instruction for students so promoted must include an altered
19 instructional day based upon an academic improvement plan that
20 includes specialized diagnostic information and specific
21 reading strategies for each student. The district school board
22 shall assist schools and teachers to implement reading
23 strategies that research has shown to be successful in
24 improving reading among low performing readers.

25 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

26 (a) Students retained under the provisions of
27 paragraph (5) (b) must be provided intensive interventions in
28 reading to ameliorate the student's specific reading
29 deficiency, as identified by a valid and reliable diagnostic
30 assessment. This intensive intervention must include effective
31 instructional strategies, participation for no less than 6

1 weeks in the school district's summer reading camp, and
2 appropriate teaching methodologies necessary to assist those
3 students in becoming successful readers, able to read at or
4 above grade level, and ready for promotion to the next grade.

5 (b) Beginning with the 2004-2005 school year, each
6 school district shall:

7 1. Conduct a review of student academic improvement
8 plans for all students who did not score above Level 1 on the
9 reading portion of the FCAT and did not meet the criteria for
10 one of the good cause exemptions in paragraph (6) (b). The
11 review shall address additional supports and services, as
12 described in this subsection, needed to remediate the
13 identified areas of reading deficiency. The school district
14 shall require a student portfolio to be completed for each
15 such student.

16 2. Provide students who are retained under the
17 provisions of paragraph (5) (b) with intensive instructional
18 services and supports to remediate the identified areas of
19 reading deficiency, including a minimum of 90 minutes of
20 daily, uninterrupted, scientifically research-based reading
21 instruction and other strategies prescribed by the school
22 district, which may include, but are not limited to:

- 23 a. Small group instruction.
24 b. Reduced teacher-student ratios.
25 c. More frequent progress monitoring.
26 d. Tutoring or mentoring.
27 e. Transition classes containing 3rd and 4th grade
28 students.
29 f. Extended school day, week, or year.
30 g. Summer reading camps.
31

1 3. Provide written notification to the parent of any
2 student who is retained under the provisions of paragraph
3 (5) (b) that his or her child has not met the proficiency level
4 required for promotion and the reasons the child is not
5 eligible for a good cause exemption as provided in paragraph
6 (6) (b). The notification must comply with the provisions of s.
7 1002.20(11) and must include a description of proposed
8 interventions and supports that will be provided to the child
9 to remediate the identified areas of reading deficiency.

10 4. Implement a policy for the mid-year promotion of
11 any student retained under the provisions of paragraph (5) (b)
12 who can demonstrate that he or she is a successful and
13 independent reader, reading at or above grade level, and ready
14 to be promoted to grade 4. Tools that school districts may use
15 in reevaluating any student retained may include subsequent
16 assessments, alternative assessments, and portfolio reviews,
17 in accordance with rules of the State Board of Education.
18 Students promoted during the school year after November 1 must
19 demonstrate proficiency above that required to score at Level
20 2 on the grade 3 FCAT, as determined by the State Board of
21 Education. The State Board of Education shall adopt standards
22 that provide a reasonable expectation that the student's
23 progress is sufficient to master appropriate 4th grade level
24 reading skills.

25 5. Provide students who are retained under the
26 provisions of paragraph (5) (b) with a high-performing teacher
27 as determined by student performance data and
28 above-satisfactory performance appraisals.

29 6. In addition to required reading enhancement and
30 acceleration strategies, provide parents of students to be
31

1 retained with at least one of the following instructional
2 options:

3 a. Supplemental tutoring in scientifically
4 research-based reading services in addition to the regular
5 reading block, including tutoring before or after school.

6 b. A "Read at Home" plan outlined in a parental
7 contract, including participation in "Families Building Better
8 Readers Workshops" and regular parent-guided home reading.

9 c. A mentor or tutor with specialized reading
10 training.

11 7. Establish a Reading Enhancement and Acceleration
12 Development (READ) Initiative. The focus of the READ
13 Initiative shall be to prevent the retention of grade 3
14 students and to offer intensive accelerated reading
15 instruction to grade 3 students who failed to meet standards
16 for promotion to grade 4 and to each K-3 student who is
17 assessed as exhibiting a reading deficiency. The READ
18 Initiative shall:

19 a. Be provided to all K-3 students at risk of
20 retention as identified by the statewide assessment system
21 used in Reading First schools. The assessment must measure
22 phonemic awareness, phonics, fluency, vocabulary, and
23 comprehension.

24 b. Be provided during regular school hours in addition
25 to the regular reading instruction.

26 c. Provide a state-identified reading curriculum that
27 has been reviewed by the Florida Center for Reading Research
28 at Florida State University and meets, at a minimum, the
29 following specifications:

30 (I) Assists students assessed as exhibiting a reading
31 deficiency in developing the ability to read at grade level.

1 (II) Provides skill development in phonemic awareness,
2 phonics, fluency, vocabulary, and comprehension.

3 (III) Provides scientifically based and reliable
4 assessment.

5 (IV) Provides initial and ongoing analysis of each
6 student's reading progress.

7 (V) Is implemented during regular school hours.

8 (VI) Provides a curriculum in core academic subjects
9 to assist the student in maintaining or meeting proficiency
10 levels for the appropriate grade in all academic subjects.

11 8. Establish at each school, where applicable, an
12 intensive acceleration class for retained third graders who
13 subsequently score at Level 1 on the reading portion of the
14 FCAT. The focus of the intensive acceleration class shall be
15 to increase a child's reading level at least two grade levels
16 in 1 school year. The intensive acceleration class shall:

17 a. Be provided to any student in grade 3 scoring at
18 Level 1 on the reading portion of the FCAT and who was
19 retained in grade 3 the prior year because of scoring at Level
20 1 on the reading portion of the FCAT.

21 b. Have reduced teacher-student ratios.

22 c. Provide uninterrupted reading instruction for the
23 majority of student contact time each day and incorporate
24 opportunities to master the grade 4 Sunshine State Standards
25 in other core subject areas.

26 d. Use a reading program that is scientifically
27 research-based and has proven results in accelerating student
28 reading achievement within the same school year.

29 e. Provide intensive language and vocabulary
30 instruction using a scientifically research-based program,
31 including use of a speech-language therapist.

1 f. Include weekly progress monitoring measures to
2 ensure that progress is being made.

3 g. Report to the Department of Education, in the
4 manner described by the department, the progress of these
5 students at the end of the first semester.

6 9. Report to the State Board of Education, as
7 requested, on the specific intensive reading interventions and
8 supports implemented at the school district level. The
9 Commissioner of Education shall annually prescribe the
10 required components of requested reports.

11 10. Provide a student who has been retained in grade 3
12 and has received intensive instructional services but is still
13 not ready for grade promotion, as determined by the school
14 district, the option of being placed in a transitional
15 instructional setting. Such setting shall specifically be
16 designed to produce learning gains sufficient to meet grade 4
17 performance standards while continuing to remediate the areas
18 of reading deficiency.

19 Section 3. This act shall take effect July 1, 2004.
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Bill No. Proposed CS for SB 2310

Amendment No. 1

Senate

CHAMBER ACTION

House

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EDUCATION

DATE: 4-19-04

TIME: 12:40 pm

Senator Clary moved the following amendment:

Senate Amendment

On page 5, line 31 through page 6, line 1 delete those lines

and insert: instructional strategies, participation in the school district's summer reading camp, and

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2374

SPONSOR: Senator Posey

SUBJECT: School Food Services

DATE: April 9, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	O'Farrell	ED	
2.			GO	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

This bill creates the School Food Services Accountability Act and sets forth responsibilities of school districts that have supplemented school food service operations with revenues from their general fund for at least 2 school years in a 3-year period. The bill also establishes an ongoing task force, convened by the chief financial officer of the Department of Education (DOE). The task force's specific responsibilities include creating cost-accounting formats and reports for use by all districts to compare district food services costs with corresponding private provider costs. The bill specifies the format of the task force report.

This bill creates s. 1010.217, F.S.

The bill provides an effective date of upon becoming a law.

II. Present Situation:

Generally, participation in the federal National School Lunch Program and cash food sales account for the majority of revenue for school food services programs, while food costs, salaries, and benefits represent the majority of expenditures.¹ If revenues do not cover costs, then districts must subsidize these operations through their general operating budgets. The Office of Program Planning and Government Accountability (OPPAGA) developed best practices for food services in the district, including regularly assessing the benefits of service delivery alternatives, such as contracting and privatization, and implementing changes to improve efficiency and effectiveness. Also, one of the indicators for effectively managing the costs of these programs is a reporting system that provides accurate and timely information.

¹ Best Financial Practices Review, Alachua County School District, OPPAGA, October 2003.

OPPAGA's Best Financial Management Practices reviews have identified issues related to indirect costs for food services departments. OPPAGA noted that the food service fund operates as an enterprise fund and should be charged for all costs associated with operating food services. According to OPPAGA, many "best practice districts" charge the food services fund for all costs associated with operating the food service program, including utilities. This practice, coupled with maintaining a reserve fund balance for unanticipated emergencies, contributes to the healthy financial position of a program.

According to the Department of Education, school district annual reports contain separate accounting and reporting for food service operations in the special revenue fund for food services, as established by the uniform accounting structure prescribed in a statewide manual, *Financial and Program Cost Accounting and Reporting for Florida Schools*. The report's format is based upon generally accepted accounting principles for governments. Districts must report all food service operating revenues and expenditures, (including indirect costs), as well as other financing sources and uses (including transfers from other funds). The annual financial report must be provided to the DOE by September 11, following the end of the fiscal year (June 30).

III. Effect of Proposed Changes:

Section 1. This bill creates s. 1010.217, F.S., the School Food Services Accountability Act. The bill provides legislative intent for the self-sufficiency of school food services without financial support from funds intended for student instruction.

School Districts

School districts that have supplemented school food service operations with revenues from their general fund (for at least 2 school years in a 3-year period) must:

- issue a request for information to determine the availability and cost of private-sector school food services (beginning with the 2004-2005 school year);
- present the responses, comparing private sector and district services and costs;
- review the responses at a public hearing.
- determine whether to issue a request for proposals to administer the district school food service program, based on the report and the best interests of the district.

Task Force

Composition

The bill requires the creation of a task force that is composed of the following:

- the DOE chief financial officer (who convenes the task force); and
- one representative from:
 - the Florida Association of District School Superintendents;
 - the Florida School Boards Association;
 - the Florida Association of School Administrators;
 - the Florida TaxWatch; and
 - the private-sector school food service industry (who is appointed by the Executive Director of the Florida School Boards Association).

The task force must convene before July 1, 2004, and each year thereafter. Members of the task force are not eligible for travel or per diem under s. 112.061, F.S.

Responsibilities

The task force's responsibilities include:

- Creating a district cost-accounting format and report to:
 - determine the direct and indirect costs for school food services.
 - compare district costs with corresponding private provider costs.
- Preparing an annual report to the Legislature and the State Board of Education (by October 1 of each year).
- Adopting necessary modifications to the districts' format and report.

The report must contain the following:

- district school food service expenditures, including a description of the extent to which school food services are self-supporting.
- total cost of providing food services by the school district and by private-sector respondents.
- each component cost (including indirect costs) associated with the provision of school food services by the district and the private-sector respondents.²

Section 2. The bill provides an effective date of upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that the provisions of the bill result in the outsourcing of services, private vendors may benefit.

² Indirect costs include utilities, waste removal, pest control, insurance, storage and distribution, printing, administration of payroll, purchasing, human resources, accounts payable, and accounts receivable.

C. Government Sector Impact:

The DOE indicated that it will incur substantial costs related to creating and maintaining the task force (e.g., holding meetings and preparing reports).

According to DOE, school districts will incur significant costs for the request for information process and the preparation of reports, including separate cost reports for food service operations. Current annual financial reports from the districts to DOE identify expenditure for food services, as well as transfers from the General Fund. These reports do not presently contain the level of information for indirect costs specified in the bill. The expenses associated with the additional cost reports may be mitigated to some extent, if the existing cost reports can be modified to capture new data elements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The legislative intent language states, in part, that district food service programs should be self-sufficient and operate without support from funds used for student instruction. While the bill requires more discrete information related to district food services costs, there is no corresponding requirement to verify the self-reported information. As well, the DOE noted that the bill requires a task force report to the Legislature on October 1, prior to the reconciliation of district financial reports that are due September 11. This may result in a delay in providing the task force with complete information for its report. There is no provision in the bill for districts that receive no response to requests for information.

In instances where districts contract out their food service programs, OPPAGA recommends that districts continue to assess these outsourcing arrangements at least every three years. The bill does not currently provide for this type of review. A private provider may be unable to ensure the self-sufficiency of the program and the district may subsequently lack adequate capital for equipment and supplies to timely resume operation of the program. A review of the private provider may help in the early detection of these problems.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SB 2374Amendment No. 1

933134

CHAMBER ACTION

SenateHouse.
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EDUCATION

DATE: 4-19-04TIME: 10:15 am

Senator Wise moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 1006.06, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

1006.06 School food service programs.--

(1) In recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, it is the policy of the state to provide standards for school food service and to require district school boards to establish and maintain an appropriate ~~private~~ school food service program consistent with the nutritional needs of students.

(6) (a) Beginning with the 2004-2005 school year, each school district shall analyze the operational efficiency of its school food service program. The analysis shall include a review of the financial condition of the school food service

Bill No. SB 2374

Amendment No. _____



933134

1 program presented in a financial statement format and a review
2 of the program's profit and loss experience for the current
3 and prior 4 fiscal years. The calculation of the profit and
4 loss for the program shall include all revenue and costs,
5 including indirect costs as defined in s. 1010.21(2), and
6 shall be reported to the Department of Education and the
7 district school board within 60 days after the end of the
8 district's fiscal year.

9 (b) School districts with 15,000 or more students with
10 school food service programs operating at a loss during any 3
11 of the past 4 fiscal years shall issue a request for
12 information to determine the availability and cost of
13 private-sector school food services. Any school district
14 required to issue a request for information pursuant to this
15 subsection shall issue a report to the Department of Education
16 and the district school board within 60 days after the due
17 date of the request for information summarizing the results of
18 the request. The report presented to the department and the
19 district school board shall include the total cost of
20 providing food services by the school district as required in
21 paragraph (a) and the estimates of each private-sector
22 respondent to the request for information.

23 (c) School food service programs in the state should
24 strive to operate in an efficient manner and require no
25 supplement of operating funds from the school district, which
26 funds are best used for other education-related activities.
27 Each school district is encouraged to ensure that the
28 authority, accountability and responsibility for all revenues
29 and costs, including, but not limited to pricing, offerings,
30 purchasing, equipment, hiring, pay scales, promotion,
31 retention, discipline and termination of employees, and other

Bill No. SB 2374

Amendment No. _____



933134

costs associated with the profitability of food services programs be vested in the district food service directors, in collaboration with school administrators. School districts shall ensure that such authority does not interfere with the ability of school administrators to provide for the safety and welfare of students, as provided by law. School districts that have been required to supplement their food service programs in prior years are encouraged to pursue outsourcing for their food service programs when it is advantageous to the school district to achieve economies of scale. School districts outsourcing their food service programs must require the private-sector vendor to provide first consideration of employment to existing food service employees and offer existing employees the choice to remain school district employees or to become employees of the private-sector vendor. Staff reductions resulting from the outsourcing of food service programs shall be handled through attrition or placement into other available school district positions prior to direct layoffs of school district employees. A school district that has supplemented its food service program in the current or prior 3 years that chooses not to outsource its food service program must justify the decision not to outsource the food service program and submit an operational plan to reduce its program expenditures to match revenue sources to the Department of Education within 60 days after the decision not to outsource the food service program.

Section 2. Paragraph (d) is added to subsection (2) of section 1010.20, Florida Statutes, to read:

1010.20 Cost accounting and reporting for school districts.--

(2) COST REPORTING.--

Bill No. SB 2374

Amendment No. ____



933134

1 (d) The Department of Education shall annually prepare
2 a report for submission to the President of the Senate, the
3 Speaker of the House of Representatives, and the State Board
4 of Education by October 1 of each year that identifies the
5 school food service expenditures of each school district that
6 are reported pursuant to s. 1006.06(6), including a narrative
7 description of the extent to which school food services are
8 self-supporting.

9 Section 3. Section 1010.21, Florida Statutes, is
10 amended to read:

11 1010.21 Indirect costs.--

12 (1) District school boards shall assess district
13 indirect costs only for services received by the program or
14 institution against which such cost is assessed. When
15 assigning each specific indirect cost to multiple programs or
16 institutions, district school boards shall identify one basis
17 for the assessment of such cost and shall maintain the same
18 basis for assigning such cost to each program or institution.

19 (2) School districts shall identify all indirect costs
20 relating to school food service programs when preparing
21 analyses of program efficiency. Indirect costs relating to
22 school food service programs shall include, but are not
23 limited to, building maintenance and depreciation, utilities,
24 waste removal, pest control, insurance, storage and
25 distribution, printing, administration of payroll, employee
26 benefits and retirement, purchasing, human resources, accounts
27 payable and receivable processing, and all other
28 administrative services performed by district staff to which a
29 benefit to the school food service program is derived.
30 Indirect costs of the school food service program shall
31 include only those costs relating to the food service program

Bill No. SB 2374

Amendment No. _____



933134

1 and shall be prorated to the school food service program if
2 the indirect costs also relate to other district operations.

3 Section 4. This act shall take effect upon becoming a
4 law.

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6
7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10
11 and insert:

12 A bill to be entitled

13 An act relating to public school food service
14 programs; amending s. 1006.06, F.S.; revising provisions
15 relating to the establishment of school food service programs;
16 encouraging collaboration between certain personnel;
17 requiring district school boards to analyze the operational
18 efficiency of school food service programs; requiring a cost
19 accounting report; requiring requests for information relating
20 to private-sector school food services under certain
21 circumstances; requiring district school boards to consider
22 outsourcing food service programs under certain circumstances;
23 providing requirements for outsourcing school food services;
24 requiring reports to the Department of Education and district
25 school boards; amending s. 1010.20 F.S.; requiring the
26 Department of Education to report to the Legislature and the
27 State Board of Education the food service expenditures of each
28 school district and the extent to which the services are
29 self-supporting; amending s. 1010.21, F.S.; defining indirect
30 costs for food service expenditure reporting; providing an
31 effective date.

#1 Bill No. SB 2374
 Amend to Amendment No. 933134



375082

CHAMBER ACTION

SenateHouse

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Favorable in the Education Committee on 4/13/04

Senator Cowin moved the following **amendment to amendment**
 (933134):

Senate Amendment

On page 3, lines 20 and 21, delete those lines

and insert: district that has supplemented its food service
program in three of the past four fiscal years that chooses
not to outsource its

#2 Bill No. SB 2374
 Amend. to Amendment No. 933134



545940

CHAMBER ACTION

SenateHouse

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Favorable in the Education Committee on 4/13/04

Senator Klein moved the following **amendment to amendment**
 (933134) :

Senate Amendment (with title amendment)

On page 5, between lines 2 and 3,

insert:

Section 4. The Office of Program Policy Analysis and
Government Accountability shall provide continuing oversight
for any outsourcing by a school district.

(Redesignate subsequent sections.)

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 5, line 30, after the semicolon

insert:

providing for oversight of district
 outsourcing;

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2440

SPONSOR: Senator Margolis

SUBJECT: School District Governance

DATE: April 12, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady <i>VAD</i>	O'Farrell <i>VOF</i>	ED	
2.			AED	
3.			AP	
4.			RC	
5.				
6.				

I. Summary:

SB 2440 requires the establishment of committees to review the governing structure and performance of certain school districts. These committees would be established in school districts with a K-12 enrollment in excess of 250,000 students. The bill lists specific items that each district's committee will be required to review, including items relating to district school board members, their terms, and campaign finance; the district's school superintendent; the district's administrative structure; the creation of an additional board to monitor facilities issues; and the division of the school district into smaller districts.

The membership of each committee must include appointees of the Governor, the Senate President, and the Speaker of the House of Representatives; a member of the State Board of Education; district school board members and superintendents; an attorney from the office of the Attorney General; and mayors of two municipalities. Staff for each committee is provided.

The committee must report recommended changes regarding the district's governing structure to the district school board by July 1, 2005.

This bill creates an undesignated section of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

School districts with over 250,000 students

Currently, only Miami-Dade School District and Broward School District have enrollment in excess of 250,000 students.

Constitutional framework

The Florida Constitution contains numerous provisions that govern school districts, district school boards, and district superintendents, including the following:

Organization of school districts

- Each county constitutes one school district. Art. IX, §4.
 - Two or more contiguous counties may be combined into one school district by vote of the electors in those counties.
 - No constitutional authority is provided for dividing school districts.
 - Two or more school districts may operate and finance joint educational programs.

District school boards

- Each school district must have a school board composed of five or more members. Art. IX, §4.
- District school board members must be chosen by vote of the electors in a nonpartisan election. Art. IX, §4.
- District school board members must be elected to staggered terms of four years. Art. IX, §4.
- The school board must operate, control and supervise all public schools within the district. Art. IX, §4.
- Additional specific constitutional provisions apply to district school boards in connection with the issuance of school bonds. See generally Art. XII, §9(d) and Art. VII, §12.

District school superintendents

- Each school district must have a superintendent. Art. IX, §5.
- Superintendents may be elected in a general election every four years; alternatively, the superintendent may be employed by the school board upon resolution of the school board or upon vote of the electors. Art. IX, §5.

III. Effect of Proposed Changes:

SB 2440 would establish committees in certain large school districts to review the district's individual governance structure. Committees will be established in each district with more than 250,000 K-12 students enrolled. The committee's review must emphasize an evaluation of the district's performance in the delivery of services and communication with the community.

Each committee must evaluate at least the following items relative to the school district under study:

- the number of district school board members;
- single-member representation;
- district school board member term limits;
- campaign finance relating to election of district school board members;
- the position of district school superintendent;
- the district's administrative organizational structure;
- the creation of a construction and facilities board comprised of citizens in the community to monitor land purchase and construction of educational facilities; and
- the division of the school district into smaller school districts.

Each committee must have the following membership:

- two members appointed by the Governor;
- one member of the State Board of Education;
- one member appointed by the President of the Senate;
- one member appointed by the Speaker of the House of Representatives;
- one member of the district school board being evaluated;
- the district school superintendent of the school district being evaluated;
- an attorney from the Office of the Attorney General; and
- the mayors of the two municipalities in the school district with a population greater than 50,000 selected by a vote of the local Florida League of Cities.

The bill provides that each committee will have a staff to assist in the school district review, consisting of a full-time secretary, a contracted attorney, and a contracted specialized consultant.

Each committee must report recommended changes to the governing structure of the school district to the district school board no later than July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

At this time, the bill would be applicable to only two school districts in the state: Miami-Dade School District and Broward School District. Accordingly, two committees would be established and would require funding for their work. The bill stipulates that each committee will have a full-time executive secretary as well as a contracted attorney and a contracted consultant. Each committee's work would be required to be finished in one year.

Some government expenditures will be required in connection with the committees' work, but the fiscal impact of the bill is not currently determinable. With respect to staffing costs, the bill does not specify the amounts of payment or other terms of the contracts pursuant to which each committee's attorney and consultant would be retained. The bill also does not specify the extent to which these parties would be involved with the committee's work, which will necessarily impact the cost of their services.

In addition to staffing costs, the committee will incur the costs of meeting over the course of the year. The bill does not, however, stipulate whether these meetings must be in person or could be conducted telephonically. Per diem costs and travel expenses would likely be incurred for committee members in connection with meetings in the event that travel is required. The bill also does not specify how many meetings would be required to be held. Accordingly, meeting costs also are not determinable.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Certain of the topics required for consideration by these committees – such as matters relating to the election of district school board members, changes to the position of district school superintendent, and the separation of large districts into smaller districts – would, depending on the committee's recommendations, require state constitutional amendments to implement. For example, at this time, the constitution provides that each county constitutes a school district. The constitution provides authority for contiguous districts to join together, but not for a district to split itself into smaller parts.

Because some travel may be required in connection with committee work, a specific reference to the reimbursement of travel and per diem expenses of committee members pursuant to s. 112.061, F.S., would be helpful. A specific reference in the bill to the state's open public meeting and public records laws would be helpful as well, given that these provisions will likely apply to the operations of the committees established by the bill.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)



BILL: SB 2968

SPONSOR: Senator Clary

SUBJECT: International Certificate of Education

DATE: April 20, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady 	O'Farrell 	ED	
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 2968 amends several sections of the Florida Statutes to incorporate references to the Advanced International Certificate of Education (AICE) and the International General Certificate of Secondary Education (pre-AICE). It introduces the pre-AICE program into statute and provides FTE funding for pre-AICE program and course completions, under certain circumstances. Specifically, it provides that:

- Parents may seek school choice options available in their public school districts, including AICE and pre-AICE;
- The Florida Department of Education (DOE) must develop guidelines that include opportunities for parents to learn about rigorous academic programs, including AICE and pre-AICE;
- Postsecondary institutions must collaborate in further developing and providing articulated programs regarding AICE;
- Certain Florida undergraduate admission candidates may request a recalculation of their grade point averages to include up to three credits of advanced fine arts courses, including pre-AICE and AICE courses;
- Pre-AICE examinations must be provided free of charge to students;
- The DOE must assign additional weight to grades earned in pre-AICE and AICE programs for purposes of calculating grade point averages for Bright Futures Scholarships;
- The AICE curriculum and diploma are recognized for certain purposes in determining eligibility for the Florida Academic Scholars Award and the Florida Medallion Scholars Award; and

- Additional full-time equivalent membership (FTE) is recognized for students who earn specified scores or receive diplomas under the pre-AICE program, under certain circumstances.

The bill contains certain clarifying and technical amendments as well.

This bill amends sections 1002.20, 1002.23, 1007.22, 1007.261, 1007.27, 1009.531, 1009.534, 1009.535, and 1011.62 and reenacts s. 1011.69(2) of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

AICE and pre-AICE

Advanced International Certificate of Education (AICE) Program

The Advanced International Certificate of Education (AICE) program is an international pre-university curriculum and examination system. Its courses are designed to be the equivalent of those offered at U.S. universities. AICE is administered by the University of Cambridge International Examinations (CIE), a non-profit department of the University of Cambridge in the United Kingdom. The AICE program was piloted and studied by the DOE between 1997 and 2000 in three Florida school districts. Since 2001, it has been approved for use in any Florida school district as an advanced academic program for grades 11 and 12. In order to offer AICE or other CIE assessments, schools must register with CIE as Examination Centers.¹

Within AICE, there are more than 40 subjects in three curriculum areas: mathematics and sciences; languages; and arts and humanities. Most subjects may be studied at either the A-level or at the AS-level. A-level examinations generally require two years of study in a subject, while AS-level examinations cover the first year of the two-year A-level courses.²

Students pursuing a full AICE diploma must earn a total of six AICE credits and include at least one subject examination from each of the three curriculum areas at either the AS- or A-level. For AICE exams, the passing letter grades range from A to E, with A being the highest and the lowest passing grade of E being roughly the equivalent of a U.S. grade of C or a 3 on an Advanced Placement examination. Both AS- and A-levels are considered college-level courses of study, and students taking these examinations may receive up to 30 hours of college credit or advanced standing from universities throughout the United States and public universities and colleges in Florida.³

International General Certificate of Secondary Education (pre-AICE)

The optional pre-AICE curriculum program, called the International General Certificate of Secondary Education, is suited for students in grades 9 and 10. It features over 50 subjects with

¹ Source: http://www.facts.org/pdf_sw/DOEHandbook2004.pdf.

² Source: <http://www.facts.org/cgi-bin/eaglec#aice>.

³ Source: <http://www.facts.org/cgi-bin/eaglec#aice>.

end of course examinations in five main subject areas. These courses are designed to be the equivalent of upper-level high school courses, not to be the equivalent of post-secondary level classes.⁴ While schools offering AICE subjects are not required to also offer pre-AICE courses, students are expected to have mastered the pre-AICE level of study and skills in a subject before beginning an AICE subject course. Most pre-AICE subjects are offered at two levels: Extended and Core. The Extended level is for students planning to progress to AICE or other college-level equivalent courses in grades 11 and 12. The Core level of pre-AICE is suitable for a wider range of students.⁵ Students who pass 7 examinations in required subject areas are eligible to receive the “International Certificate of Education” diploma from CIE, which in some countries would be the equivalent of a high school diploma.⁶

Florida Bright Futures Scholarship Program

During the 2002-2003 award year, over 110,000 Florida students received funding for a Florida Bright Futures Scholarship.

The Florida Bright Futures Scholarship Program consists of the Florida Academic Scholars Award, the Florida Medallion Scholars Award, and the Florida Gold Seal Vocational Scholars Award. Each award has its own academic eligibility requirements, award amounts, and funding length. In addition to meeting specific program eligibility requirements, scholarship recipients must also meet general eligibility requirements for receipt of state aid.

Florida Academic Scholars Award (FAS)

Generally, at public institutions, students receiving this award will be eligible to receive payment of 100 percent of their tuition and fees, plus \$600 per semester for college-related expenses. At private institutions, students will be eligible to receive a fixed award amount based on 100 percent of the average tuition and fees covered at a comparable Florida public institution, including the \$600 per semester provided for college-related expenses.

Students must generally have achieved a weighted grade point average of 3.5 to earn this award.

Florida Medallion Scholars Award (FMS)

Generally, at public institutions, students receiving this award will be eligible to receive payment of 75 percent of their tuition and fees. At private institutions, students will be eligible to receive a fixed award amount based on 75 percent of the average tuition and fees covered at a comparable Florida public institution.

Students generally must have achieved a weighted grade point average of 3.0 to earn this award.

⁴ Source: CIE personnel, April 19, 2004.

⁵ Source: http://www.facts.org/pdf_sw/DOEHandbook2004.pdf

⁶ Source: CIE personnel, April 19, 2004.

Affected Sections of Law

Section 1002.20, F.S., addresses K-12 student and parental rights. It currently provides that parents of public school students may seek whatever school choice options are available to students in their school districts, including (among others), advanced placement, dual enrollment, International Baccalaureate, early admissions, and credit by examination programs.

Section 1002.23, F.S., the Family and School Partnership for Student Achievement Act, requires the DOE to develop guidelines for a parent guide to successful student achievement. The guidelines should include opportunities for parents to learn about rigorous academic programs that may be available to their child. Current examples of such programs listed in statute include honors programs, dual enrollment, advanced placement, and International Baccalaureate programs, among others.

Section 1007.22(2), F.S., requires in relevant part that postsecondary institutions collaborate in developing and providing articulated programs in which students can proceed toward their educational objectives as rapidly as possible. Current time-shortened educational programs listed in the subsection include such programs as the International Baccalaureate, credit by examination, advanced placement, early admissions, and dual enrollment programs.

Section 1007.261(10), F.S., permits a Florida resident who has been denied undergraduate admission to a state university for failing to meeting the required grade point average requirement to request a recalculation of their grade point average to include grades earned in up to three credits of advanced fine arts courses. Advanced fine arts courses are defined for the subsection to include advanced placement, pre-International Baccalaureate, International Baccalaureate, or fine arts courses taken in the 3rd or 4th year of a fine arts curriculum.

Section 1007.27(9), F.S., defines the AICE program as the curriculum in which students are enrolled in a program of studies offered through the AICE program of the University of Cambridge. The section contains additional provisions regarding the AICE program, including requirements for State Board of Education (SBE) rules, a 30-hour cap on the number of hours that may be earned under the program, and a stipulation that the specific course for which a student receives credit under the program must be determined by the college or university that accepts the student for admission. It also exempts students from paying AICE examination fees, whether or not they pass the examination.

For purposes of determining initial eligibility for Bright Futures Scholarships, Section 1009.531(3), F.S., currently requires the DOE to assign additional weights to grades earned in courses identified in the course code directory as advanced placement, pre-International Baccalaureate, or International Baccalaureate.

Section 1009.534, F.S., governs eligibility for the Florida Academic Scholars award.

Paragraph (b) of subsection (1) provides that a student will be eligible for the scholarship if she or he meets the general eligibility requirements for the award; has achieved the required score identified by DOE rule on the SAT, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT

Assessment Program; and has attended a home education program during grades 11 or 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma.

Paragraph (c) of the subsection provides that a student will be eligible for the scholarship if she or he meets the general eligibility requirements and has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office.

Section 1009.535, F.S., governs eligibility for a Florida Medallion Scholars Award. Paragraph (b) of subsection (1) provides that a student will be eligible for the scholarship if she or he has attained the required score on the combined verbal and quantitative parts of the SAT, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program and (1) has attended a home education program during grades 11 and 12 or (2) has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma.

Section 1011.62, F.S., addresses funds for operation of schools. It sets forth an annual allocation from the Florida Education Finance Program (FEFP) to each district for the operation of schools if the allocation is not otherwise established in the annual appropriations act or the substantive bill implementing the annual appropriations act. This section currently provides that:

- a value of 0.3 full-time equivalent student membership (FTE) will be calculated for each student who received an Advanced International Certificate of Education diploma; and
- districts must distribute to each teacher who provided AICE instruction:
 - a \$50 bonus for each student taught by the teacher in a full-credit AICE course who receives a score of 2 or higher on the AICE examination,
 - a \$25 bonus for each student taught by the teacher in a half-credit AICE course who receives a score of 1 or higher on the AICE examination,
 - a \$500 bonus to each AICE teacher in a school designated in performance category “D” or “F” who has at least one student scoring 2 or higher on a full-credit AICE examination, and
 - an additional \$250 bonus to each teacher of half-credit AICE classes in a school designated in performance category “D” or “F” that has at least one student scoring 1 or higher on the half-credit AICE examination, up to a maximum additional bonus of \$500 per year, with certain restrictions.

Section 1011.69, F.S., contains the Equity in School-Level Funding Act, which in relevant part provides that district school boards must allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent of the funds generated by that school based on the FEFP, as provided in s. 1011.62, F.S., and the general appropriations act.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 1002.20, F.S., by adding AICE and pre-AICE to the list of public school choice options available to parents and students.

Section 2. The bill amends s. 1002.23, F.S., by adding AICE and pre-AICE to the list of programs about which parents must be provided information in the DOE's parent guidelines developed pursuant to the Family and School Partnership for Student Achievement Act.

Section 3. The bill amends s. 1007.22(2), F.S., by adding AICE to the list of programs that postsecondary educational institutions must collaborate on in further developing and providing articulated programs for students.

Section 4. The bill amends s. 1007.261(10), F.S., by adding pre-AICE and AICE to the list of programs that offer approved "advanced fine arts courses," which may be added to a student's grade point average for purposes of determining eligibility for undergraduate admission to a state university.

Section 5. The bill amends s. 1007.27(9), F.S., to introduce and define pre-AICE in the section of law that currently describes AICE. Under this provision as amended, pre-AICE examinations may be taken by students free of charge, regardless of whether the examinations are passed. The changes to this section do not, however, add pre-AICE to the list of examinations for which the SBE is required to specify cutoff scores for postsecondary credit at colleges and universities. Accordingly, it appears that none of the other language related to postsecondary credit in the paragraph – including provisions regarding effective times of rules, the 30-hour cap placed on the award of credit hours under the subsection, and the requirement that specific courses for which students receive credit must be determined by the student's college or university – is applicable to pre-AICE examinations either.

Section 6. The bill amends s. 1009.531, F.S., to provide that the DOE must assign additional weight to grades earned in AICE and pre-AICE courses for purposes of calculating the grade point average used in determining Bright Futures Scholarship eligibility.

Section 7. The bill amends s. 1009.534, F.S., to add Florida Academic Scholars award eligibility for persons who (1) completed the AICE curriculum but failed to earn the AICE diploma and (2) achieved the required score on the SAT, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program. It also provides that persons who have been awarded an AICE diploma are eligible for the award if they meet general eligibility requirements.

Section 8. The bill amends s. 1009.535, F.S., to add Florida Medallion Scholarship eligibility for persons who (1) completed the AICE curriculum but failed to earn the AICE Diploma and (2) achieved the required score on the combined verbal and quantitative parts of the SAT, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program.

Section 9. The bill changes current references to grades of “1” or “2” on AICE examinations to refer to grades of “E” or higher throughout section 1011.62, F.S. This change is consistent with the actual grading system on AICE examinations.

The bill also provides a new provision that addresses the calculation of additional FTE based on pre-AICE examination scores. Under the bill, 0.12 FTE would be calculated for each student enrolled in a pre-AICE course who receives a score of E or higher on a subject examination. Additionally, a value of 0.15 FTE will be calculated for each student who receives an International Certificate of Education diploma. This value would be added to the total FTE in basic programs for grades 9 through 12 in the subsequent fiscal year.

Section 10. Section 10 of the bill reenacts s. 1011.69, F.S., containing the Equity in School-Level Funding Act, to incorporate the amendments contained in s. 1011.62, described above.

Section 11. The act will take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

One hundred twenty-eight students are currently enrolled in pre-AICE programs in Florida. According to CIE’s projections, by the 2007-2008 school year, 604 Florida students will be enrolled in pre-AICE courses, resulting in the administration of approximately 1200 pre-AICE examinations that year.⁷ Depending on each student’s level of involvement in the programs, students could save money on post-secondary educational tuition by participating in the pre-AICE program, accelerating their learning such that in grades 11 and 12 they could take courses with post-secondary equivalents, and then testing out of college requirements. Participation in grade-weighted pre-AICE

⁷ Source: CIE personnel, April 19, 2004.

and AICE courses would also enhance students' chances at qualifying for Bright Futures Scholarships.

Under the bill's provisions, teachers could earn bonuses by teaching pre-AICE courses, as well as AICE courses (as permitted under current law).

C. Government Sector Impact:

As noted above, approximately 128 students currently take pre-AICE courses in Florida. Examination fees are currently approximately \$43 for each examination administered. Florida House of Representatives staff have identified a rough cost estimate⁸ for the state relating to portions of the bill dealing with additional FTE, as follows:

<u>2005-2006</u>	<u>2006-2007</u>	<u>2007-2008</u>
\$248,826	\$411,446	\$439,734

The fiscal impact of the statutory revisions to the Bright Futures Scholarship eligibility requirements set forth in the bill is not determinable, as data are not available to determine the current and future number of students that would qualify for scholarships pursuant to these statutory revisions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

⁸ Assumptions used in preparing these estimates included the following:

- Examination success rates will be similar to current success rates.
- No students will achieve the International Certificate of Education (ICE) the first few years; and
- Growth in enrollment at new schools will be similar to early growth achieved by established programs.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1838

SPONSOR: Senator Crist

SUBJECT: Random Drug Testing of Public School Student Athletes

DATE: March 2, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady <i>VAD</i>	O'Farrell <i>WDF</i>	ED	
2.			JU	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

SB 1838 authorizes district school boards to adopt programs and policies to require middle school and high school students to consent to urinalysis drug testing as a condition of participation in any extracurricular activity. The bill provides that procedures for implementing the testing provisions must be prescribed by rules of the State Board of Education.

This bill amends s. 1001.43 of the Florida Statutes.

The bill takes effect July 1, 2004.

II. Present Situation:

According to an informal telephone survey of district school boards conducted in the summer of 2002¹ by the Department of Education:

- 6 school districts performed random drug tests on students;
- 5 school districts were considering adopting a policy regarding random drug testing;
- 4 had voluntary testing programs; and
- 1 school district performed random drug tests on all students participating in extracurricular activities and student drivers, with one additional school district planning to add band members to their existing testing policy for student athletes.

¹ The most recent date that this information was gathered.

Some of these policies were recently adopted, and some have been in place for several years. It is not clear what statutory authority such policies have been adopted under, but an argument may be made that general authority for such policies exists under s. 1001.42, F.S., regarding powers and duties of district school boards. Section 1001.42(6), for example, which covers child welfare, provides that district school boards may “provide for...the attendance and control of students at school and for proper attention to health, safety and other matters relating to the welfare of children.” Nothing in current state statute explicitly authorizes school boards to require students to submit to drug testing, however.

Random, or suspicionless, drug testing of students who participate in extracurricular activities is generally permissible under applicable constitutional law, as further detailed below.

III. Effect of Proposed Changes:

Section 1001.43(1), F.S., details certain supplemental powers and duties of district school boards. SB 1838 amends this subsection to provide that a “district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may...

(b) Require middle and high school students, as a condition of participation in any extracurricular activity, to consent to urinalysis testing for the presence of any drug that may pose a threat to the health or safety of the student.” (Amendatory language is italicized.)

The bill also provides that procedures for implementing the bill’s provisions must be prescribed by rules of the State Board of Education pursuant to ss. 120.536(1) and 120.54, F.S.

SB 1838 provides explicit statutory authority for school boards to adopt programs and policies regarding drug testing of students participating in extracurricular activities. The bill’s provisions would clarify any questions that may arise regarding such authority under the current statutory framework and make clear that authority for district-ordered drug testing exists, at least as a matter of state law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Random drug testing of students who choose to participate in extracurricular school activities is generally permissible under applicable Constitutional law. SB 1838, which authorizes the adoption of policies and programs concerning such testing, should not pose any constitutional problems, but procedures adopted by the State Board of Education and district school boards to implement drug testing should comply with applicable requirements regarding such testing set forth in federal case law, as further detailed below.

Federal Constitutional Law: Fourth Amendment Analysis. The Fourth Amendment to the U.S. Constitution, which is applicable to the state by incorporation from the Fourteenth Amendment to the U.S. Constitution, protects the “right of the people to be secure in their persons...against unreasonable searches and seizures.” Searches by public school officials, such as the collection of urine or saliva samples, implicate Fourth Amendment interests,² and therefore must be “reasonable” in order to be constitutional.

Suspicionless, or random, drug testing³ has been upheld by the U.S. Supreme Court in a number of different contexts, including with respect to the testing of high school student athletes in *Vernonia School District 47J v. Acton*, 515 U.S. 646, 115 S.Ct. 2386 (1995). Additionally, in *Board of Education of Pottawatomie County v. Earls*, 536 U.S. 822, 122 S.Ct. 2559 (2002), the U.S. Supreme Court upheld a school district policy that provided for random drug testing of middle and high school students who participate in *any* extracurricular activity, not just athletics.

The *Earls* court held that students who participate in extracurricular school activities have a limited expectation of privacy, and relied heavily on the principles established in the *Vernonia* case in evaluating the constitutionality of the drug testing policy at issue in *Earls*. Effectively, the *Vernonia* court had conducted a highly fact-specific balancing of the intrusion on the students’ Fourth Amendment rights against the promotion of a legitimate government interest (the need to prevent and deter the harm of childhood drug use) in evaluating the district’s policy in that case.

Important elements of the Vernonia school district’s drug testing policy that supported its reasonableness included the facts that the tests only looked for drugs, and not for other physical conditions of the student (e.g., pregnancy or illness); the drugs for which the samples were screened were standard, and did not vary according to the identity of the student; and the results of the tests were disclosed only to a limited number of school personnel and were not turned over to law enforcement authorities or used for any internal disciplinary function.⁴

² *Vernonia School Dis. 47J v. Acton*, 515 U.S. 646, 652 (1995).

³ While the provisions of SB 1838 do not specifically state that *random* drug testing is being authorized, the bill’s language is not inconsistent with the imposition of random testing only. Any procedures adopted by the State Board of Education to implement the law should ensure that all testing conducted by school districts complies with constitutional requirements.

⁴ The searches undertaken in *Vernonia* were taken for prophylactic and nonpunitive purposes (protecting student athletes from injury and deterring drug use in the student population).

Additionally, in both *Vernonia* and *Earls*, the court reviewed the procedures used to collect samples from students for their degree of “intrusiveness;” accordingly, procedures that are substantially more intrusive than those employed by school districts in those cases could potentially be found unconstitutional. Finally, while a “demonstrated problem of drug abuse ... [is] not in all cases necessary to the validity of a testing regime,”⁵ the *Earls* court does note that a demonstrated problem of drug abuse in a district might “shore up an assertion” of the need for such testing. Accordingly, the imposition of a drug testing program in a school district with little or no evidence of student drug use could perhaps be successfully challenged on Fourth Amendment grounds.

Florida Constitutional Law. Art. I, §12 of the Florida Constitution provides for the “right of people to be secure in their persons...against unreasonable searches and seizures,” and provides that that right must be construed in conformity with the Fourth Amendment to the U.S. Constitution, as interpreted by the U.S. Supreme Court. As a result, an analysis under Florida Constitutional law will be identical to the analysis set forth above.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. Drug testing is costly, generally costing from \$15-\$56 per test; however, the bill only provides authority for such testing and does not mandate that it be done.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

⁵*Board of Education of Pottawatomie County v. Earls*, 536 U.S. 822, 122 S.Ct. 2559, 2567 (2002), quoting *Chandler v. Miller*, 520 U.S. 305, 319, 117 S.Ct. 1295, 137 L.Ed.2d 513 (1997).

Bill No. SB 1838Amendment No. 1

542082

CHAMBER ACTION

SenateHouse.
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Favorable in Education Committee
on 3/10/04

Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 2, lines 21-24, delete those lines

and insert:

(b) Require middle and high school students, as a
condition of participation in extracurricular sports, to
present a medical certificate stating that they are drug-free.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, lines 5-7, delete those lines

and insert:

programs and policies to require student
athletes to present a medical certificate
stating they are drug-free; authorizing the
State Board of

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)



BILL: SB 2620

SPONSOR: Senator Diaz de la Portilla

SUBJECT: State Homeland Security Trust Fund

DATE: April 13, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dodson	Skelton	HP	Favorable
2.	Dormady 	O'Farrell 	ED	
3.			RI	
4.			CJ	
5.			AGG	
6.			AP	

I. Summary:

SB 2620 creates the State Homeland Security Trust Fund to be administered by the Department of Law Enforcement. The purpose of the trust fund is to implement the purposes of the "Florida Commerce With Terrorist States Act" created in SB 2614 or similar legislation creating the act.

The bill requires an annual carry-forward of unused funds at the end of any fiscal year.

The bill provides for termination of the trust fund on or before July 1, 2008. Prior to termination, the trust fund shall be reviewed pursuant to s. 215.3206(1) and (2), F.S.

The bill takes effect on July 1, 2004, contingent upon passage and enactment of SB 2614 or similar legislation in the same legislative session or an extension thereof. SB 2620 must be enacted by a three-fifths vote of the membership of each House.

II. Present Situation:

Creation and Operation of Trust Funds

A trust fund consists of moneys received by the state which, under law or under trust agreement, are segregated for a purpose authorized by law.¹ Section 19(f), Art. III of the State Constitution, governs the creation of trust funds. This constitutional provision prohibits the creation by law of a trust fund of the state or other public body without a three-fifths vote of the membership of each house of the Legislature. This provision further specifies that a trust fund must be created in a separate bill for that purpose only. The Florida Supreme Court has interpreted this provision to encompass the inclusion of issues relating to the trust fund's purpose, administration and

¹ s.215.32(2)(b)1., F.S

funding, as well as language addressing its regulation and solvency. *Americans Bankers Insurance Company v. Chiles*, 675 So.2d 922 (Fla. 1996). The First District Court of Appeals construed the three-fifths vote as requiring heightened scrutiny of the bill by the Legislature. *Service Insurance Company v. Chiles*, 660 So.2d 734 (Fla. 1st DCA 1995).

In addition, the Legislature has established criteria governing the establishment of trust funds. Under these criteria, a law creating a trust fund must, at a minimum, specify:

- The name of the trust fund;
- The agency or branch of state government responsible for administering the trust fund;
- The requirements or purposes that the trust fund is established to meet; and
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.²

The Chief Financial Officer is directed to invest all the trust funds and all agency funds of each state agency.³ Under current law, any balance of an appropriation for any given fiscal year that is remaining after lawful expenditures have been charged against it reverts to the fund from which the Legislature appropriated it and shall be available for re-appropriation. Any reversion of appropriations provided from the General Revenue Fund must be transferred to the General Revenue Fund within 15 days after the reversion, unless otherwise provided by federal or state law, including the General Appropriations Act.⁴

Termination of Trust Funds

Section 19(f)(2), Art. III of the State Constitution, specifies that trust funds created after November 4, 1992, with certain exceptions, shall terminate not more than 4 years after the effective date of the act authorizing the creation of the trust fund, unless the Legislature by law sets a shorter time period. Accordingly, a bill that creates a trust fund should specify the trust fund's date of termination, or, if the trust fund is exempt from the automatic 4-year termination requirement, the bill should declare that the trust fund is exempt from this requirement.⁵

The Legislature established a schedule and process for reviewing trust funds.⁶ Before the regular session of the Legislature and immediately prior to the scheduled termination date of an executive branch trust fund (or an earlier date if specified by the Legislature), the agency responsible for administration of the trust fund and the Governor must recommend to the Legislature whether the trust fund should terminate or be re-created. Each recommendation is based on a review of the trust fund's purpose, use, and necessity. A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund.

If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund are deposited into the General Revenue Fund. The agency must pay any outstanding debts of the trust fund as soon as practicable, and the Chief Financial Officer closes

² Section 215.3207, F.S.

³ Section 17.61, F.S.

⁴ Section 216.301(1), F.S.

⁵ See Florida Senate, *Manual for Drafting General Bills* 82 (Sept. 1999).

⁶ Sections 215.3206 and 215.3208, F.S.

out and removes the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

III. Effect of Proposed Changes:

SB 2620 creates the State Homeland Security Trust Fund to be administered by the Department of Law Enforcement. Funds shall be credited to the trust funds as provided in s. 288.857(4)(c), F.S.,⁷ to be used for purposes of the “Florida Commerce with Terrorist States Act.” Any balance remaining in the trust fund at the end of a fiscal year is to remain in the trust fund and to be available for carrying out the purposes of the trust fund.

The trust fund is scheduled to terminate on July 1, 2008, unless terminated sooner. The Legislature is required to review the trust fund before its scheduled termination.

The bill is tied to the passage and enactment of SB 2614 or similar legislation creating the “Florida Commerce With Terrorist States Act.” The bill must also meet the constitutional requirements for passage by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The bill creates the State Homeland Security Trust Fund to be administered by the Department of Law Enforcement. The bill complies with s. 19(f), Art.III of the State Constitution, relating to creation and termination of trust funds.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁷ Section 288.857(4)(c), F.S., is created by SB 2614, the companion bill to SB 2620.

C. Government Sector Impact:

None. There is no fiscal impact on state or local governments because the purpose of the bill is only to create the trust fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill specifies that money deposited into the trust fund should be used for purposes of the “Florida Commerce with Terrorist States Act”; however, this act, as set forth in SB 2614, does not specifically state any purposes for use of the funds, except in general intent language. It may be helpful to specify in greater detail the uses of the trust’s funds.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

Bill No. SB 2620Amendment No. 1

950222

CHAMBER ACTION

SenateHouse.
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.*Favorable in the Education Committee on 4/13/04*

Senator Aronberg moved the following amendment:

Senate Amendment (with title amendment)

On page 1, lines 18-22, delete those lines

and insert: Fund, to be administered by the Department of
Emergency Management. Funds shall be credited to the trust
fund as provided in s. 288.857(4)(c), to be used to fund state
homeland security with priorities for funding to focus on
things not funded by the Federal Government, such as
operational costs of security at seaports and other venues.
Requests for funding shall be reviewed by the Domestic
Security Oversight Board, which shall provide recommended
funding priorities.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, lines 5-7, delete those lines

and insert:

Bill No. SB 2620

Amendment No. ____



950222

1 administered by the Department of Emergency
2 Management; providing for sources of funds and
3 purposes; providing for review of requests for
4 funding; providing for annual carry-forward of
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